Act VII, 1870, XXIII, s. 12—315.

C. shall be inflicted in the way of school discipline with a light rattan.

In no case, if the cat-of-nine-tails be the instrument employed, shall the punishment of whipping exceed one hundred and fifty lashes, or, if the rattan be employed, shall the punishment exceed thirty stripes.

The punishment shall be inflicted in the presence of a Magistrate, and also, unless the Court which passed the sentence otherwise orders, in the presence of a Medical Officer.

Punishment not to be inflicted if offender not in fit state of health.

312. No sentence of whipping shall be carried into execution unless a Medical Officer, if present, certifies, or unless it appears to the Magistrate present, that the offender is in a fit state of health to undergo the punishment.

Stay of execution.

If during the execution of a sentence of whipping, a Medical Officer certifies, or it appears to the officer present, that the offender is not in a fit state of health to undergo the remainder of the punishment, the whipping shall be finally stopped.

Nor by instalments.

No sentence of whipping shall be executed by instalments.

Procedure if punishment cannot be inflicted under the last section.

313. In any case in which, under section three hundred and twelve, a sentence of whipping is, wholly or partially, prevented from being carried into execution, the offender shall be kept in custody till the Court which passed the sentence can revise it, and the said Court may, at its discretion, either order his discharge, or sentence him in lieu of whipping or in lieu of so much of the sentence of whipping as was not carried out, to imprisonment for any period, which may be in addition to any other punishment to which he may have been sentenced for the same offence:

Provided that the whole period of imprisonment shall not exceed that to which the offender is liable by law, or that which the said Court is competent to award.

Sentence in cases of simultaneous conviction of several offences.

314. When a person is convicted at one trial of two or more offences punishable under the same or different sections of the law, the Court may sentence him for the offences of which he has been convicted to the several penalties prescribed by such enactment or enactments which such Court is competent to inflict; such penalties, when consisting of imprisonment or transportation, to commence the one after the expiration of the other.

It shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Maximum term of imprisonment.

Provided that in no case shall the person be sentenced to imprisonment for a longer period than fourteen years:

Provided also that, if the case be tried by a Magistrate, the punishment shall not in the aggregate exceed twice the extent of punishment which he is by his ordinary jurisdiction competent to inflict.

EXPLANATION I.—Where the law provides a specific penalty for a compound offence, the accused person shall not be liable to be tried severally for each offence which forms a part of such compound offence.

Illustrations.

A commits the offence of lurking house-trespass by night and also steals twenty rupees from the house so entered. A is only liable to punishment under the latter clause of section 457 of the Indian Penal Code, and may not be tried for both house-trespass and theft on separate charges.

A commits the offence of rioting. A is punishable under section 147, Indian Penal Code, and may not, on the same facts, be also convicted of being a member of an unlawful assembly.

A commits the offence of rioting and continues in the unlawful assembly after it has been ordered to disperse. A is punishable under sections 147 and 145, Indian Penal Code.

A, with six others, commits the offences of rioting, grievous hurt and of assaulting a public servant engaged in suppressing the riot. A may be tried separately for each of these three offences.

A joins an unlawful assembly armed with a deadly weapon and partakes in a riot by such assembly. A is punishable under section 148, Indian Penal Code, and not under sections 144 and 145, Indian Penal Code.

Z criminally intimidates A, B and C at the same time. A, B and C may each bring separate charges on which Z may be separately punished.

A steals a watch which is subsequently found in his possession. A cannot be convicted of theft and of receiving the watch.

A commits dacoity and removes his share of the plundered property to his house where it is subsequently found. A may be tried for dacoity, but he is not liable to be tried, in addition, for receiving the property plundered by such dacoity.

EXPLANATION II.—If the punishment which may be inflicted on conviction of one of the offences which forms part of a compound offence be greater than that which may be inflicted for the compound offence, the accused person may be tried on separate charges for each offence, provided that the punishment shall not exceed that which might by law be inflicted for the gravest offence of which such accused person is found guilty.

Illustration.

A commits house-breaking by day and commits, in the house so entered, adultery with B's wife. A is liable, under section 454, Indian Penal Code, to three years' imprisonment, and the offence of adultery (section 497, Indian Penal Code) is punishable with five years' imprisonment. A may be tried for house-breaking and adultery; but, on conviction for both offences, the punishment may not exceed that prescribed for adultery.

Trial of previously convicted persons.

315. Whoever, having been convicted of an offence punishable under chapter XII or chapter XVII of the Indian Penal Code with imprisonment for a term of three years or upwards, is again accused of any offence punishable under either of those chapters with imprisonment for a term of three years or upwards, shall ordinarily, if the Magistrate consider that the offence appears to have been committed, be committed to the Court of Session:

Proviso.

Provided that, in districts in which the Magistrate of the District has been invested with powers under section thirty-six, the accused person may be placed on his trial before such Magistrate of the District

Acts VII & VIII, C. XXIV, ss. 316—327.

316. When sentence is passed on n escaped convict for such e pe or for any other offence, the Court may direct the sentence to take effect immediately, or after such convict has suffered imprisonment or transportation, as the case may be, for a further period equal to that which remainded unexpired of his former sentence at the time of his escape.

Currency of sentence on escaped convicts.

317. When sentence is passed on a person already under sentence of imprisonment or transportation, and the sentence be for imprisonment or transportation, the Court shall direct that such imprisonment or transportation shall commence at the expiration of the imprisonment or transportation to which such person has been previously sentenced,

Sentence on offender already sentenced for another offence.

or, if he is undergoing a sentence of imprisonment, and the sentence, on such subsequent conviction, be for transportation, the Court may direct that the sentence shall commence immediately, or at the expiration of the imprisonment to which such person has been previously sentenced:

Provided that nothing in this section shall be held to excuse such person from any part of the punishment to which he is liable upon such former or subsequent conviction.

Proviso.

318. When any person under the age of sixteen years is sentenced by any Criminal Court to imprisonment for any offence, such Court may direct that such offender, instead of being imprisoned in the criminal jail, shall be confined in any reformatory established by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, or which is kept by a person willing to obey such rules as the Government prescribes with regard to the discipline and training of persons confined therein.

Confinement of youthful offenders in reformatories.

All persons confined under this section shall be subject to the rules so prescribed by Government.

319. The Governor General of India in Council may from time to time appoint a place or places within British India to which persons sentenced to transportation shall be sent: the Local Government, or some officer duly authorized by such Government, shall give orders for the removal of such persons to the place or places so appointed; and no sentence of transportation shall specify the place to which the person sentenced is to be transported.

Governor General in Council to appoint places to which persons sentenced to transportation may be sent.

Local Government to direct removal of such persons to places appointed.

320. When sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence, it shall not be necessary for the Local Government to order his removal from the place in which he is so undergoing transportation.

Person sentenced to transportation while undergoing transportation under previous sentence need not be removed.

321. When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

Sentence of death.

322. When any person has been sentenced to punishment for an offence, the Governor General of India in Council, or the Local Government, may, at any time, without conditions, or upon any conditions which the person sentenced accepts, remit the whole or any part of the punishment to which he has been sentenced.

Power to remit punishment.

If the person to whom a pardon has been given fails to fulfil the conditions prescribed by the Governor General of India in Council, or the Local Government, the Governor General of India in Council or the Local Government, as the case may be, may withdraw such pardon, whereupon the person shall be remanded to undergo the unexpired portion of his sentence.

The Governor General of India in Council, or the Local Government, may also, without the consent of the person sentenced, in substitution for the sentence passed according to law, commute any one of the following sentences for any other mentioned after it—

Power to commute punishment.

death, transportation, penal servitude, imprisonment.

PART VIII.

EVIDENCE.

CHAPTER XXIV.

SPECIAL RULES OF EVIDENCE IN CRIMINAL CASES.

323. The examination of a Civil Surgeon or other medical witness taken and duly attested by a Magistrate may be given in evidence in any criminal trial although the person examined is not called as a witness.

Evidence of medical witness.

324. The Court may summon such Civil Surgeon or other medical witness, if it see sufficient cause for doing so.

Court may summon medical witness.

325. Any document purporting to be a report from the Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report in the course of any criminal trial or in any preliminary inquiry relating thereto, may if it bears his signature, be used as evidence in any Criminal trial.

Report of Chemical Examiner.

326. The Court may presume that the signature of any such document is genuine and that the person signing it held the office which he professed to hold at the time when he signed it.

Genuineness of signature may be presumed.

327. If an accused person abscond, and after due pursuit cannot be arrested, any Court competent to try or to commit such accused person for trial for the offence complained of may, in his absence, record the statements of the persons acquainted with the facts, and such depositions may, on his apprehension, be put in on his trial for such offence if it is not practicable to procure the attendance of such witnesses.

Record of evidence in the absence of the accused.

Act VIII, 1869, Sec. XXIV & XXV, Sec. 328—334.

328. Whenever any Magistrate, after having heard part of the evidence in a case, ceases to exercise jurisdiction in such case and is succeeded by another Magistrate who has and who exercises jurisdiction in such case, it shall be competent to such Magistrate last named to decide the case on the evidence partly recorded by his predecessor and partly recorded by himself, or he may re-summon the witnesses and commence afresh:

Convictions on evidence partly recorded by one Magistrate and partly by another.

Provided that the accused person may when the second Magistrate commences his proceedings, demand that the witnesses shall be re-summoned and reheard, in which case the trial shall be commenced afresh:

Provided also that any Court of Appeal or revision, before which the case may be brought,

or, in cases tried by Magistrates subordinate to the Magistrate of the District, the Magistrate of the District, without appeal,

may set aside any conviction passed on evidence not wholly recorded by the Magistrate before whom the conviction was had, if such Court or Magistrate shall be of opinion that the accused has been materially prejudiced thereby, and may order a new trial.

329. Whenever from any cause any Magistrate making an inquiry, under chapter XV of this Act, is unable to complete the proceedings himself, any other Magistrate having jurisdiction to inquire and to commit, may complete the case and proceed as if he had recorded all the evidence himself.

Commitments on evidence partly recorded by one officer and partly by another valid.

330. Whenever it appears that the attendance of a witness cannot be procured without an amount of delay, expense or inconvenience which under the circumstances of the case would be unreasonable, it shall be competent to a Court of Session or to a High Court to dispense with the personal attendance of such witness.

When a commission may issue.

Such Court of Session or High Court may direct a commission to the Magistrate of the District, or to a Magistrate of the 1st class, in whose jurisdiction such witness may be. The Magistrate to whom the commission is directed shall proceed and take, or shall summon and take, the evidence of such witness before himself in the same manner, and shall have for this purpose and may exercise the same powers, as in trials of warrant cases.

Mode of issuing commission.

The prosecutor and the accused person may forward interrogatories to which the officer to whom the commission is directed shall cause a return to be made, or the prosecutor may appear personally before the Magistrate to whom the commission is directed, or the prosecutor or accused person may so appear by authorized agent.

Prosecutor and accused may examine witness.

Whenever, in the course of a trial before a Magistrate, it shall appear that a commission ought to be issued for the examination of a witness whose evidence is necessary in such trial, such Magistrate shall apply to the Court of Session to which he is subordinate stating the reasons for the application, and such Court may either issue a commission in the manner hereinbefore provided, or may reject the application.

Procedure when commission is required in Magistrate's cases.

CHAPTER XXV.

EVIDENCE HOW TAKEN.

331. In all Criminal Courts, complainants and witnesses shall be examined upon oath or affirmation, or otherwise according to the provisions of the law for the time being in force in relation to the examination of witnesses.

Examination of complainants and witnesses.

332. In inquiries and trials (other than summary trials) under this Act the evidence of the witnesses shall be recorded by the Magistrate or Sessions Judge, as the case may be, in the following manner.

Manner of recording evidence;

333. In summons cases tried before Magistrates, and in cases of the kind referred to in section two hundred and twenty-two when tried by a Magistrate of the 1st or 2nd class, otherwise than at a summary trial, the Magistrate shall make a memorandum of the substance of the evidence of each witness, as the examination of the witness proceeds.

In summons cases and in trials by 1st and 2nd class Magistrates of certain offences;

The memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record.

If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same, and such memorandum shall form part of the record.

334. In all other cases before Magistrates and in all proceedings before the Courts of Session, the evidence of each witness shall be taken down in writing in the language in ordinary use in the district in which the Court is held, by or in the presence and hearing and under the personal direction and superintendence of the Magistrate or Sessions Judge, and shall be signed by the Magistrate or Sessions Judge.

In all other cases before Magistrates and in all proceedings before Courts of Session.

When the evidence of a witness is given in English, the Magistrate or Sessions Judge may take it down in that language with his own hand, and an authenticated translation of the same, in the language in ordinary use in the district in which the Court is held, shall form part of the record.

Evidence in English.

If the accused person be a European British subject or be familiar with the English language no translation shall be necessary.

In cases in which the evidence is not taken down in writing by the Magistrate or Sessions Judge, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes and such memorandum shall be written and signed by the Magistrate or Sessions Judge, with his own hand, and shall be annexed to the record.

Memorandum when evidence not taken down in writing.

If the Magistrate or Sessions Judge is prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

335. The Local Government may direct that in any district or part of a district, or in proceedings before any Magistrate or class of Magistrates, the evidence of complainants or witnesses shall be taken down by the Magistrate or Sessions Judge with his own hand in the vernacular language of the Magistrate or Sessions Judge, unless the Magistrate or Sessions Judge be prevented by any sufficient reason from taking down the evidence of any complainant or witness, in which case he shall record the reason of his inability to do so, and shall cause the evidence to be taken down in writing from his dictation in open Court.

Local Government may direct evidence to be recorded by Magistrate himself in his vernacular;

The evidence so taken down shall be signed by the Magistrate or Sessions Judge, and shall form part of the record:

Provided that, if the vernacular language of the Magistrate or Sessions Judge be not English or the language in ordinary use in the district in which the Court is held, the Local Government may direct him to take down the evidence in the English language or in the language in ordinary use in the district in which the Court is held, instead of his own vernacular.

or in English or in language in ordinary use in district.

336. In cases of the kind referred to in section three hundred and thirty-three, tried before Magistrates, the Magistrate may, if he thinks fit, take down the evidence of any witness in the manner provided in section three hundred and thirty-four, or, if within the jurisdiction of such Magistrate the Local Government has made the order referred to in section three hundred and thirty-five, in the manner provided in section three hundred and thirty-five.

In cases referred to in Section 333 Magistrate may record as provided in section 334 or section 335.

337. The Local Government may determine what, for the purposes of this Act, shall be held to be the language in ordinary use in any district in which a Court is held.

Local Government to decide what language is to be held to be in ordinary use.

338. The evidence taken under section three hundred and thirty-four shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

Form of record of evidence.

It shall be in the discretion of the Magistrate or Sessions Judge to take down, or cause to be taken down, any particular question and answer, if there appear any special reason for so doing, or any person who is a prosecutor or a person accused, or his Counsel or agent, requires it.

339. As the evidence of each witness, taken under section three hundred and thirty-four, is completed, it shall be read over to the witness in the presence of the accused person if in attendance, or of his agent when his personal attendance is dispensed with and he appears by agent, and shall, if necessary, be corrected.

Procedure in regard to evidence when completed.

If the witness deny the correctness of any part of the evidence when the same is read over to him, the Magistrate or Sessions Judge may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

If the evidence be taken down in a language different from that in which it has been given, and the witness does not understand the language in which it is taken down, the witness may require his evidence as taken down to be interpreted to him in the language in which it was given, or in a language which he understands.

340. In all cases whatever when the evidence is given in a language not understood by the accused person, it shall be interpreted to him in open Court in a language understood by him, in all cases where he is present in person.

Interpretation of evidence to accused or his agent.

If he appears by agent, and the evidence is given in a language other than the language in ordinary use in the district in which the Court is held, it shall be interpreted to such agent in that language.

341. Every Sessions Judge or Magistrate recording the evidence of a witness shall record such remarks as he thinks material respecting the demeanour of such witness whilst under examination.

Remarks respecting demeanour of witness.

OF THE EXAMINATION OF PERSONS ACCUSED.

342. In all inquiries and trials a Criminal Court may from time to time and at any stage of the proceedings,

Accused may be questioned.

put any questions to the accused person which such Court may think proper.

343. The accused person shall not be liable to any punishment for refusing to answer questions asked under section three hundred and forty-two, but the Court shall draw such inferences as seem just from such refusal.

Accused not punishable for refusal to answer.

344. Except as is provided in section three hundred and forty-seven, no influence, by means of any promise or threat or otherwise, shall be used to the accused person to induce him to disclose or withhold any matter within his knowledge.

No influence to be used to induce disclosures.

345. No oath or affirmation shall be administered to the accused person.

Accused not to be sworn.

346. Whenever an accused person is examined, the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers.

Examination of accused how recorded.

When the whole is made conformable to what he declares is the truth, the examination shall be attested by the signature of the Magistrate or Sessions Judge, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the statement made by the accused person.

In cases in which the examination of the accused is not recorded by the Magistrate or Sessions Judge himself, he shall be bound, as the examina-

Act VIII, 1869, Sch. XXV & XXVI 347—354.

tion proceeds, to make a memorandum thereof in the vernacular of the district, or in English, if he is sufficiently acquainted with that language; and such memorandum shall be written and signed by the Magistrate or Sessions Judge with his own hand, and shall be annexed to the record. If the Magistrate or Sessions Judge is precluded from making a memorandum as above required, he shall record the reason of his inability to do so.

The accused person shall sign or attest by his mark such record.

If the examination be taken in the course of a preliminary inquiry, and the Court of Session find that the provisions of this section have not been fully complied with, it shall take evidence that the prisoner duly made the statement recorded: Provided that if the error does not prejudice the prisoner, it shall not be deemed to affect the admissibility of the statement so recorded.

Magistrate may tender pardon to accomplice.

347. The Magistrate of the District, any Magistrate of the 1st class inquiring into the case, or with the sanction of the Magistrate of the District, any Magistrate duly empowered to commit to the Court of Session, recording his reason for so doing, may tender a pardon to any one or more of the persons supposed to have been directly or indirectly concerned in or privy to any offence specified in column seven of the fourth schedule hereto annexed as triable exclusively by the Court of Session, on condition of his or their making a full, true and fair disclosure of the whole of the circumstances within his or their knowledge relative to the crime committed, and every other person concerned in the perpetration thereof.

Any person accepting a tender of pardon under this section shall be examined as a witness in the case under the rules applicable to the examination of witnesses.

Such person, if not on bail, shall be detained in custody pending the termination of the trial.

A Magistrate, having tendered a pardon under this section and examined the accused person, is precluded from trying the case himself.

High Court or Court of Session may direct tender of pardon.

348. The High Court as a Court of reference, and the Court of Session, after committal but before the commencement of a trial, may, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to any such offence, instruct the Magistrate to tender a pardon on the same condition to such person or persons.

The Court of Session in like manner and on the same condition may, at any time during a trial, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to any such offence, tender a pardon to such person or persons.

When Magistrate, Court of Session or High Court may direct commitment of person to whom pardon has been tendered.

349. When a pardon has been tendered under section three hundred and forty-seven or section three hundred and forty-eight, if it appear to the Magistrate before the trial, or to the Court of Session at the time of trial, or to the High Court as a Court of reference, that any person who has accepted an offer of pardon has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence, such Magistrate or Court may commit or direct the commitment of such person for trial for the offence in respect of which the pardon was so tendered.

The statement made by a person under pardon, which pardon has been withdrawn under this section, may be put in evidence against him.

CHAPTER XXVI.—OF SECURING THE ATTENDANCE OF WITNESSES.

Procedure for obtaining attendance of witnesses.

350. The following procedure shall be pursued in order to obtain the attendance of witnesses before a Magistrate or Criminal Court.

Power to summon material witness or examine person present.

351. Any Court or Magistrate may at any stage of any proceeding, inquiry or trial summon (in the manner provided by chapter XII) any witness whose evidence appears essential to the just decision of the case, or examine any person in attendance though not summoned as a witness.

When warrant of arrest may issue in first instance.

352. If the Magistrate has reason to believe that any witness whose attendance is required will not attend to give evidence without being compelled to do so, he may, instead of issuing a summons, issue his warrant of arrest in the first instance.

Procedure when warrant cannot be served.

353. If the warrant cannot be executed and the Magistrate is satisfied that the witness absconds or conceals himself for the purpose of avoiding the service thereof, he may issue a proclamation, requiring the attendance of such witness to give evidence at a time and place to be named therein, to be affixed on some conspicuous part of his ordinary place of abode.

If the witness does not attend at the time and place named in such proclamation, the Magistrate may order the attachment of any moveable property belonging to such witness to such amount as he deems reasonable, not being in excess of the amount of costs of attachment and of any fine to which the witness may be liable under the provisions of the following section.

Such order shall authorize the attachment of any moveable property within the jurisdiction of the Magistrate by whom it was made, and it shall authorize the attachment of any moveable property without the jurisdiction of the said Magistrate when endorsed by the Magistrate of the District in which such property is situated.

Release of attached property of witness appearing and satisfying Magistrate.

354. If the witness appears and satisfies the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the execution of the warrant, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Magistrate shall direct that the property be released from attachment, and shall make such order in regard to the costs of the attachment as he thinks fit.

Sale of property of witness not appearing or not satisfying Magistrate.

If such witness does not appear, or appearing, fails to satisfy the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the exe-

cution of the warrant, and that he had not such notice of the proclamation as aforesaid, the Magistrate may order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which he may impose upon such witness under the provisions of section one hundred and seventy-two of the Indian Penal Code.

If the witness pays to the Magistrate the costs and fine as aforesaid, the Magistrate shall order the property to be released from attachment.

Arrest of person disobeying summons.

355. If any person summoned to give evidence neglects or refuses to appear at the time and place appointed by the summons, and no reasonable excuse is offered for such neglect or refusal, the Magistrate, upon proof of the summons having been duly served, may issue a warrant under his hand and seal, to bring such person before him to testify as aforesaid.

Committal of person refusing to answer.

356. If any person summoned or brought before a Magistrate refuses to answer such questions as are put to him, without offering any reasonable excuse for such refusal, the Magistrate may, by warrant under his hand and seal, commit him to custody for any term not exceeding seven days, unless in the meantime he consents to be examined and to answer, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of sections four hundred and thirty-five or four hundred and thirty-six.

INQUIRIES.

In inquiries preliminary to commitment.

357. In inquiries preliminary to commitment to a Court of Session or High Court, the Magistrate shall procure the attendance of the witnesses for the prosecution as in cases usually tried upon warrant, and it shall be in his discretion to summon any witness offered on behalf of the accused person to answer or disprove the evidence against him. If the Magistrate refuse to summon a witness he shall record his reasons.

When accused person is to be committed.

358. In such inquiries, when the person accused is to be committed for trial and has given in the list of witnesses mentioned in section two hundred, the Magistrate shall summon the witnesses to appear before the Court before which the accused person is to be tried.

Refusal to summon unnecessary witness, unless deposit made.

359. If the Magistrate thinks that any witness is included in the list for the purpose of vexation or delay or of defeating the ends of justice, he may require the accused person to satisfy him that there are reasonable grounds for believing that such witness is material.

If the Magistrate be not so satisfied, he shall not be bound to summon the witness, but, in doubtful cases, he may, if such a sum is deposited with the Magistrate as he thinks necessary to defray the expense of obtaining the attendance of the witness.

Recognizances of prosecutors and witnesses.

360. Prosecutors and witnesses for the prosecution and defence, whose attendance may be necessary before the Court of Session, shall execute before the Magistrate recognizances, in the Form (F) given in the second schedule to this Act, or to the like effect, to be in attendance when called upon at the Court of Session, to prosecute or to give evidence as the case may be.

Detention in custody in case of refusal to attend or to execute recognizance.

If any prosecutor or witness refuses to attend before the Court of Session or to execute the recognizance above directed, the Magistrate may detain him in custody, until he executes such recognizance, or until the time when his attendance at the Court of Session is required, when the Magistrate shall send him under custody to the Court of Session.

SUMMONS CASES.

In summons cases.

361. In summons cases, the Magistrate may summon any person who appears to him likely to give material evidence on behalf of the complainant or the accused.

Ordinarily it shall be the duty of the complainant and accused, in non-cognizable cases, to produce their own witnesses.

In such cases it shall be in the discretion of the Magistrate to summon any witnesses named by the complainant or the accused, and he may require in such cases a deposit of the expenses of a witness before summoning him.

WARRANT CASES.

In cases tried upon warrant.

362. In warrant cases, the Magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give evidence for the prosecution, and summon them before him to give evidence.

The Magistrate shall also summon, subject to the provisions of section three hundred and fifty-nine, any witness and examine any evidence that may be offered in behalf of the accused person to answer or disprove the evidence against him, and may for that purpose, at his discretion, adjourn the trial from time to time. If the Magistrate refuse to summon a witness named by the accused person, he shall record his reasons for such refusal, and the accused person shall be entitled to appeal to the Court of Session against such refusal.

SESSIONS TRIALS.

Right of accused as to examination and summoning of witness.

363. The accused person shall be allowed to examine any witness not previously named by him if such witness be in attendance, but he shall not be entitled of right to have any witness summoned other than the witnesses named in the list delivered to the Magistrate by whom he was committed or held to bail for trial, except as provided in section four hundred and forty-eight.

Procedure in case of witness refusing to answer.

364. If any witness before a Court of Session refuses to answer any question which shall be put to him, and does not offer any just excuse for such refusal, the Court may commit him to custody for such reasonable time as it deems proper, unless in the meantime he consents to be examined and to answer.

Part VIII, XXVI and XXVII, 365—375.

In the event of his persisting in his refusal, he may be dealt with according to the provisions of section four hundred and thirty-five or four hundred and thirty-six.

OF SECURING DOCUMENTARY EVIDENCE.

Procedure for obtaining production of document required as evidence.

365. Whenever an officer in charge of a Police-station or any Court considers that the production of any document is necessary or desirable for the purposes of any investigation or judicial proceeding, such officer or Court may issue a summons to the party in whose keeping such document is believed to be, requiring him to attend and produce such document at the time and place stated in the summons.

When warrant for search for documents may issue.

366. If there appears reason to believe that the person to whom the summons is addressed will not produce it as directed in the summons, such officer or Court may issue a search-warrant for the document in the first instance.

Power to impound document produced.

367. Any Court may, if it thinks fit, impound any document produced before it, or may at the conclusion of the proceedings order such document to be returned to the person who produced it.

CHAPTER XXVII.—OF SEARCH-WARRANTS.

Search-warrant when grantable.

368. When a Magistrate considers that the production of anything is essential to the conduct of an inquiry into an offence known or suspected to have been committed, or to the discovery of the offender, or when he considers that such inquiry or discovery will be furthered by the search or inspection of any house or place, he may grant his search-warrant, and the officer charged with the execution of such warrant may search any house or place within the jurisdiction of the Magistrate of the District.

The Magistrate may, if he see fit, specify in his warrant the house or place, or part thereof, to which only the search or inspection shall extend, and the officer charged with the execution of such warrant shall then search only the house, place, or part so specified.

Procedure as to letter in custody of Postal Department.

369. The last preceding section shall not authorize any Magistrate, other than the Magistrate of the District, to grant a search-warrant for a letter in the custody of the Postal Department;

but if any such letter is wanted for the purpose of any criminal proceeding, any Magistrate or District Superintendent of Police may give notice to the Postal authorities to cause search to be made for and to detain any such letter, pending the orders of the Magistrate of the District; and such Magistrate may, if he think fit, direct the Postal authorities to deliver up any such letter.

Direction of search-warrant.

370. A search-warrant shall ordinarily be directed to a Police officer, but the Magistrate issuing the warrant may, after recording his reasons, if immediate search is necessary and no Police officer be immediately available, direct it to any other person.

Warrant to Police officer may be executed by his subordinate.

371. A search-warrant directed to a Police officer may, if he is not able to proceed in person, be executed by any other Police officer.

Endorsement.

In such case the name of such Police officer shall be endorsed upon the warrant by the officer to whom it is directed or endorsed.

Execution of search-warrant out of jurisdiction of Magistrate issuing it.

372. When it is necessary for a search-warrant to be executed out of the jurisdiction of the Magistrate issuing the warrant, any Magistrate within whose local jurisdiction the warrant is to be executed shall endorse his name thereon.

Such endorsement shall be sufficient authority for the Police officer charged with the execution of the warrant to execute the same within the said jurisdiction.

Or the search-warrant may be directed to the Magistrate within whose local jurisdiction the search is to be made, and he shall thereupon endorse his name on such warrant and enforce its execution in the same manner as if it had been issued by himself.

Search-warrants may in emergency be executed without endorsement.

373. Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate in whose District the warrant is to be executed will prevent the discovery of the thing for which search is to be made, the Police officer charged with the execution of the warrant may execute the same in any place beyond the jurisdiction of the Magistrate by whom it was issued without the endorsement of the Magistrate in whose local jurisdiction that place is situate.

Thing found to be taken to Magistrate within whose jurisdiction it is found.

If the thing for which search is made is found in such place when the place where the thing is found is nearer to the Magistrate having jurisdiction in such place than to the Magistrate who issued the warrant, it shall be immediately taken before the Magistrate in whose local jurisdiction it is found, and unless there be good cause to the contrary, he shall

Order thereon.

make an order authorizing it to be taken to the Magistrate who issued the warrant.

If the thing be not found after such search, the Police officer making the same shall, in addition to the return made to the Magistrate who issued the warrant, report the fact to the Magistrate in whose local jurisdiction the search was made.

Procedure in such cases within presidency town.

374. If the thing searched for be found within a presidency town, it shall be taken to the Commissioner of Police or to a Police Magistrate, who shall act in the manner prescribed in section three hundred and seventy-three.

Magistrate may issue search-warrant to be executed in jurisdiction of another Magistrate.

375. Whenever it appears necessary, a Magistrate may, by his warrant, order search to be made in a place out of his jurisdiction, and may direct that the warrant be executed either after or without obtaining the endorsement of the Magistrate within whose jurisdiction the search is to be made.

When a Magistrate issues a warrant under this section, he shall inform the Magistrate within whose local jurisdiction the house or place to be searched is situate, or if the house or place be situate within a presidency town he shall inform the Commissioner of Police, of the issue of such warrant.

376. A Magistrate issuing a search-warrant to be executed in any house or place out of the jurisdiction of the Magistrate of the District, or out of his own division, may direct the warrant to any Magistrate within whose local jurisdiction such house or place is situate, and may send the same by post.

Magistrate may send search-warrant by post to Magistrate of another District or division of District.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon and enforce its execution in the same manner as if it had been originally issued by himself.

Endorsement and execution by such Magistrate.

If the warrant is to be executed within a presidency town it shall be addressed to the Commissioner of Police or to a Police Magistrate.

Direction of warrant to be executed in Presidency town.

In such case any property found on search made may be dealt with as provided in sections three hundred and seventy-three and three hundred and seventy-four.

377. If the Magistrate of the District or a Magistrate of a division of a District, or a Magistrate of the 1st class, upon information and after such inquiry as he thinks necessary, has reason to believe that any house or other place is used as a place for the deposit or sale of stolen property,

Search of house suspected to contain stolen property or forged documents.

or for the deposit or sale or manufacture of forged documents, or counterfeit Government stamps, or counterfeit coin, or instruments or materials for counterfeiting coin or for forging,

or that any forged documents, or counterfeit stamps, or false seals, or any counterfeit coin, or instruments or materials used for counterfeiting coin, or for forging, are kept or deposited in any house or other place,

he may by his warrant authorize any Police officer above the rank of a constable to enter, with such assistance as may be required, and by force if necessary, any such house or other place, and to search all such parts of the same as are specified in the warrant, and to seize and take possession of any property, documents, stamps, seals, or coins therein found, which he may reasonably suspect to be stolen, forged, false, or counterfeit, and also of any such instruments and materials as aforesaid.

378. The Magistrate by whom a search-warrant is issued may attend personally for the purpose of seeing that the warrant is duly executed.

Magistrate may attend personally.

The Magistrate may also direct a search to be made in his presence, of any house or place for the search of which he is competent to issue a search-warrant.

Magistrate may direct search in his presence.

379. Whenever an officer in charge of a Police-station or a Police officer making an investigation considers that the production of anything is necessary to the conduct of an investigation into any offence which he is authorized to investigate, he may search or cause search to be made for the same, in any house or place within the limits of such station.

Search by officer in charge of Police-station.

In such case, the officer in charge of the Police-station or Police officer making investigation shall, if practicable, conduct the search in person.

If unable to conduct the search in person, and there is no other person competent to make the search present at the time, the officer in charge of the Police-station may require any officer subordinate to him to make the search, and he shall deliver to such officer an order in writing, specifying the property for which search is to be made and the house or place to be searched, and the subordinate officer may thereupon search for such property in such house or place.

The provisions of sections three hundred and eighty-two to three hundred and eighty-five (both inclusive), relating to search-warrants, shall be applicable to a search under this section made by or under the direction of an officer in charge of a Police-station, or by a Police officer making an investigation.

380. An officer in charge of a Police-station may require an officer in charge of another Police-station, whether subordinate to the same Magistrate as himself or to a Magistrate of another District, to cause a search to be made in any house or place in any case in which the former officer might cause such search to be made within the limits of his own station.

When officer of Police-station may require another to issue search-warrant.

Such officer on being so required shall proceed according to the provisions of section three hundred and seventy-nine, and shall forward the thing found, if any, to the officer at whose request the search was made.

381. An officer in charge of a Police-station may, without a warrant, enter any shop or premises within the limits of such station for the purpose of inspecting or searching for any weights or measures or instruments for weighing used or kept therein, whenever he has reason to believe that there are in such shop or premises any weights, measures, or instruments for weighing which are false.

Inspection of weights and measures.

If he finds in such shop or premises any weights, measures, or instruments that are false, he may seize the same, and shall forthwith give information of such seizure to the Magistrate having jurisdiction.

382. If the house or place to be searched is closed, any person residing in or being in charge of such house or place shall, on demand of the officer or other person executing the warrant, allow such officer or other person free ingress thereto, and afford all reasonable facilities for a search therein.

Persons in charge of closed house to allow search.

383. A Police officer, or other person authorized by a warrant to search any house or place, may break open any outer or in-

Place to be searched may be broken open.

ner door or window of the house or place, in order to execute the warrant, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

384. If the place ordered to be searched is an apartment in the actual occupancy of a woman who, according to the customs of the country, does not appear in public, the officer or other person charged with the execution of the warrant shall give notice to such woman in such apartment, not being a woman against whom a warrant of arrest has been issued, that she is at liberty to withdraw.

Breaking of zenána.

After giving such notice and allowing a reasonable time for the woman to withdraw, and affording her every reasonable facility for withdrawing, he may enter such apartment for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

385. Before conducting a search under this chapter the officer conducting it shall call upon two or more respectable inhabitants of the place in which the house or place to be searched is situate, to attend and witness the search.

Search to be made in presence of witnesses.

The search shall be made in their presence, but they shall not be required to attend the Court of the Magistrate as witnesses, unless specially summoned by him.

The occupant of the house or place or some person in his behalf shall, in every instance, be permitted to attend during the search.

Occupant of place searched may attend.

386. Whenever it is necessary to cause a woman to be searched, the search shall be conducted with strict regard to the habits and customs of the country.

Mode of searching women.

387. Whenever a person is arrested by the Police under a warrant which does not provide for the taking of bail,

Search of arrested persons.

or under a warrant which provides for the taking of bail, but the arrested person cannot furnish bail,

or is arrested without warrant and is not admitted to bail,

it shall be the duty of the apprehending officer to search such person and to place in safe custody all articles, other than necessary articles of apparel, found on such person.

A list of such articles shall be forwarded with the daily diary or with the final report in the case.

PART IX.

PROCEDURE INCIDENTAL TO INQUIRY AND TRIAL.

CHAPTER XXVIII.

BAIL.

388. When any person appears or is brought before a Magistrate accused of any bailable offence, he shall be admitted to bail.

When bail shall be taken.

389. When any person appears or is brought before a Magistrate accused of any non-bailable offence, such person shall not be admitted to bail, if there appear reasonable grounds for believing that he has been guilty of the crime imputed to him.

Bail not to be taken for certain offences.

If the evidence given in support of the accusation is, in the opinion of the Magistrate, not such as to raise a strong presumption of the guilt of the accused person,

When bail may be taken.

or if such evidence is adduced on behalf of the accused person as, in the opinion of the Magistrate, weakens the presumption of his guilt, but there appears to the Magistrate in either of such cases to be sufficient ground for further inquiry into his guilt,

the accused person shall be admitted to bail pending such inquiry.

390. The Court of Session may in any case, whether there be an appeal on conviction or not, direct that an accused person shall be admitted to bail, or that the bail required by a Magistrate be reduced.

Power to direct admission to bail.

391. When a Magistrate admits to bail any person accused or suspected of any offence, a recognizance in such sum of money as the Magistrate thinks sufficient, shall be entered into by the person so accused and one or more sureties, conditioned that such person shall attend at the time and place mentioned in the recognizance and shall continue to attend until otherwise directed by the Court, and, if required, shall appear when called upon at the Court of Session or other Court, as the case may be, to answer the charge.

Recognizance of accused and sureties.

392. If through mistake or fraud insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused person may be ordered by the Magistrate to find sufficient sureties, and, in default, may be committed to prison.

Insufficient bail.

393. If the accused person cannot find sureties when called upon, he shall be admitted to bail upon finding the same at any time afterwards before conviction.

Bail may be taken at any time before conviction.

394. After the recognizances have been duly entered into, the Magistrate, in case the accused person has appeared voluntarily or is in the custody of some officer, shall thereupon release him; and in case he is in some prison or other place of confinement, shall issue a warrant of release to the jailor or other person having him in his custody, and such jailor or other person shall thereupon liberate him.

Discharge on bail.

395. The sureties for an accused person may, at any time, apply to the Magistrate to be discharged from their engagements.

Discharge of sureties.

On such an application being made, the Magistrate shall issue his warrant of arrest, directing that such person be brought before him.

On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the recognizances of the sureties to be discharged, and shall call upon such person to find other sureties, and, in default, may order him to be committed to prison.

Part IX, C. XXVIII & XXIX; ss. 396—403.

396. Whenever, by reason of default of appearance of the person executing the personal recognizance, the Magistrate is of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, he shall proceed to enforce the penalty by issuing a warrant for the attachment and sale of the moveable property belonging to such person, which may be found within the jurisdiction of the Magistrate of the District. Such warrant may be executed within the jurisdiction of the Magistrate of the District, and it shall authorize the distress and sale of any moveable property belonging to the accused person without the jurisdiction of the said Magistrate when endorsed by the Magistrate of the District in which such moveable property is situated.

Procedure to compel payment of penalty by accused.

397. Whenever, by reason of default of appearance by the person bailed, the Magistrate is of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, he shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid.

Procedure to compel payment of penalty by sureties.

If no sufficient cause be shown, the Magistrate shall proceed to recover the penalty from such surety or sureties by issuing a warrant for the attachment and sale of any moveable property belonging to him or them which may be found within the jurisdiction of the Magistrate of the District. Such warrant may be executed within the jurisdiction of the Magistrate of the District, and it shall authorize the distress and sale of any moveable property belonging to the surety or sureties without the jurisdiction of the said Magistrate when endorsed by the Magistrate of the District in which such moveable property is situated.

If the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the Magistrate, in the Civil jail, during a period not exceeding six months.

398. The powers given by sections three hundred and ninety-six and three hundred and ninety-seven may be exercised by every Criminal Court in every case in which a personal recognizance or bail has been given for the appearance of a party or witness, if default is made by the non-appearance of such party or witness before such Court according to the conditions of such recognizance or bail:

In what cases the powers given by sections 396 and 397 may be exercised.

Provided that the Magistrate or Court may, at his or its discretion, remit any portion of the penalty mentioned in the personal recognizance or in the recognizance of the surety or sureties, and enforce payment in part only:

Remission of part of penalty.

All orders passed by any Magistrate under this section or section three hundred and ninety-six or three hundred and ninety-seven shall be appealable to the Magistrate of the District, or, if not so appealed, may be revised by him.

Revision of orders.

399. When any person is required by any officer or Criminal Court to give bail, such officer or Court may permit such person to deposit a sum of money or Government promissory notes to such amount as it may fix in lieu of such bail.

Deposit may be made instead of bail.

CHAPTER XXIX.

FORMATION OF LISTS OF JURORS AND ASSESSORS AND THEIR ATTENDANCE.

400. The Sessions Judge and the Collector of the District or such other officer as the Local Government from time to time appoints in this behalf, shall prepare and make out in alphabetical order a list of persons residing within ten miles from the place where trials before the Court of Session are held, or within such other distance as the Local Government thinks fit to direct, who are, in the judgment of the Sessions Judge and Collector or other officer as aforesaid, qualified from their education and character to serve as jurors or as assessors, respectively.

List of jurors and assessors.

The list shall contain the name, place of abode, and quality or business of every such person; and if the person is a European or an American, the list shall mention the race to which he belongs.

401. Copies of such list shall be stuck up in the office of the Collector or other officer as aforesaid and in the Court-houses of the Magistrate of the District and of the Chief Civil Court, and in some conspicuous place in the town or towns near or in the vicinity of which the persons named in the list reside.

Publication of list.

To every such copy shall be subjoined a notice, stating that objections to the list will be heard and determined by the Sessions Judge and Collector or other officer as aforesaid at a time and place to be mentioned in the notice.

402. For the hearing of such objections the Sessions Judge shall sit with the Collector or other officer as aforesaid and, shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not suitable in their judgment to serve as a juror or as an assessor, or who may avail himself of the exemption from service given by section four hundred and six, and insert the name of any person omitted from the list whom they deem qualified for such service.

Revision of list.

In the event of a difference of opinion between the Collector or other officer as aforesaid and the Sessions Judge, the name of the proposed juror shall be omitted from the list.

A copy of the revised list shall be signed by the Sessions Judge and Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Sessions Judge and Collector or other officer as aforesaid in preparing and revising the list shall be final.

403. The list so prepared and revised shall be again revised once in every year.

Annual revision of list.

The list so revised shall be deemed a new list and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

Part IX, C. XXIX, ss. 404—412.

404. All male persons between the ages of twenty-one and sixty, resident within the local limits of the jurisdiction of the Court of Session, except those hereinafter mentioned, shall be deemed capable of serving as jurors and assessors, and shall be liable to be summoned accordingly.

Jurors and assessors.

405. The following persons are incapable of serving as jurors or as assessors in trials before the Court of Session, namely:—

Disqualifications.

Persons who hold any office in or under the said Court.

Persons executing any duties of Police or entrusted with any Police functions.

Persons who have been convicted of any offence against the State, or of any fraudulent or other offence which, in the judgment of the Sessions Judge and Collector, renders them unfit to serve on the jury.

Persons afflicted with any infirmity of body or mind, sufficient to incapacitate them from serving.

Persons who, by habit or religious vows, have relinquished all care of worldly affairs.

406. The following persons are exempt from the liability to serve as jurors or as assessors, namely:—

Exemptions.

All officers in civil employ superior in rank to a Magistrate of the district.

Judges and other Judicial officers.

Commissioners and Collectors of Revenue or Customs.

All persons engaged in the Preventive Service in the Customs Department.

All persons engaged in the collection of the revenue whom the Collector thinks fit to exempt on the ground of official duty.

Chaplains and others employed in religious offices.

All persons in the Military Service.

Surgeons and others who openly and constantly practise in the profession of physic.

Persons employed in the Post Office and Electric Telegraph Departments.

Persons actually officiating as priests in their respective religions.

All persons exempted by the local Government, and persons exempted by Government from personal appearance in Court under the provisions of the Code of Civil Procedure, section twenty-two.

The exemption from service given by this section is a right of which each person exempted may avail himself or not.

Person exempted is not bound to avail himself of his right of exemption.

Nothing contained in this section shall be construed to disqualify any such person, if he is willing to serve as a juror or as an assessor.

The Sessions Judge may issue a summons to any exempted person to serve as an assessor or juror on the trial of a European British subject.

407. The Court of Session shall ordinarily, three days at the least before the time fixed for the holding of sessions, cause the Magistrate to summon as many persons named in the said revised list as seem to the Court to be needed for trials by jury and trials with the aid of assessors at the said sessions, the number to be summoned not being less than double the number required for any case about to be tried at such sessions.

Court to summon jurors.

The names of the persons to be summoned shall be drawn by lot in open Court, excluding those on the revised list who have served within six months, unless the number cannot be made up without them, and shall be specified in the precept to the Magistrate.

408. When a trial is to be held in which the accused person or one of the accused persons is entitled to be tried by a jury constituted under the provisions of section two hundred and thirty-four, the Court of Session shall, three days at least before the day fixed for holding such trial, cause to be summoned in the manner hereinafter prescribed as many European and American jurors as are required for the trial, if there be so many on the jury-list of the District.

Summoning and empanelling jurors under section 234.

The Court shall also at the same time in like manner cause to be summoned the same number of other persons named in the revised list, unless such number of such other persons shall have been summoned for jury trials at that session.

From the whole number of persons returned, the jurors who are to constitute the jury shall be taken by lot in the manner prescribed in section two hundred and forty until a jury containing the proper number of Europeans or Americans, or a number approaching thereto as nearly as possible, has been obtained.

If a jury containing the requisite number of Europeans and Americans be not obtained, the accused person may elect to be tried by the Judge with the aid of assessors; otherwise he shall be tried by the jury obtained by the means aforesaid.

409. Every summons to a juror or assessor shall be in writing, and shall require his attendance as a juror or assessor at a time and place to be therein specified.

Form and service of summons.

The summons or a copy thereof shall be served on every juror or assessor personally.

If the juror or assessor summoned be absent from his usual place of abode, the summons may be left for him there with some adult male member of his family residing with him.

410. The Court of Session may direct jurors or assessors to be summoned at other periods than the period specified in section four hundred and seven, when the number of trials before the Court renders the attendance of one set of jurors or assessors for a whole session oppressive, or whenever it is found to be necessary.

Power to summon another set of jurors or assessors.

411. If any person summoned to serve as a juror or assessor be in the service of Government or of a Railway Company, the summons shall be sent to him through the head officer of the office in which he is employed, and the Court may excuse the attendance of such person if it appear, on the representation of such head officer, that the person summoned cannot serve as a juror or assessor without inconvenience to the public service.

Service of summons on officer of Government.

412. The Court of Session may excuse any juror or assessor from attendance for reasonable cause.

Court may excuse attendance of juror or assessor.

413. At each session the Court shall cause to be made a list of the names of those who serve as jurors or assessors at such session.

List of jurors or assessors attending.

The list shall be kept with the revised list of the jurors and assessors prepared under section four hundred and two.

A reference shall be made in the margin of the said revised list to each of the names which are mentioned in the list prepared under this section.

414. Any person summoned to attend as a juror or as an assessor who, without lawful excuse, fails to attend as required by the summons, or having attended, departs without having obtained the permission of the Court, or fails to attend after an adjournment of the Court after being ordered to attend, shall be liable by order of the Court of Session to a fine not exceeding one hundred rupees.

Penalty for non-attendance of juror or assessor.

Such fine shall be levied by the Magistrate of the District by attachment and sale of any moveable property belonging to such juror or assessor within the jurisdiction of the Court making the order.

In default of recovery of the fine by such attachment and sale, such juror or assessor may be imprisoned in the civil jail for the space of fifteen days if the fine be not sooner paid.

CHAPTER XXX.

Miscellaneous Provisions.

415. The seizure by any Police officer of property alleged or suspected to have been stolen, or found under circumstances which create suspicion of the committal of any offence, shall be forthwith reported to a Magistrate, who shall thereupon make such order respecting the custody and production of the property as he thinks proper.

Procedure by Police upon seizure of stolen property.

If the property is of a perishable nature, or if it appear to the Magistrate that its sale would be for the benefit of the owner, he may at any time direct it to be sold, and shall hold the proceeds in trust for the owner subject to the provisions contained in sections four hundred and sixteen and four hundred and seventeen.

Sale of perishable property.

416. When the owner of any such property is unknown, the Magistrate may detain the same, or the proceeds thereof if sold, and, in case of such detention, shall issue a proclamation specifying the articles of which such property consists or consisted, and requiring any person who may have a claim thereto or to the proceeds thereof to appear before him and establish his claim within six months from the date of such proclamation.

Procedure where owner of property seized unknown.

417. If no person within such period establishes his claim to such property or proceeds, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, the property shall be at the disposal of the Government, and may be sold under the orders of the Magistrate of the District, or a Magistrate of a Division of a District or, if duly authorized, a Magistrate of the 1st class or, if it has been already sold by the Magistrate, the proceeds shall be at the disposal of the Government.

Procedure if no claimant appear within six months.

An appeal shall be allowed in the case of every order passed under this section.

418. When the trial in any Criminal Court is concluded, the Court may make such order as appears right for the disposal of any property produced before it regarding which any offence appears to have been committed.

Order for disposal of property regarding which offence committed.

419. Any Court of appeal, reference or revision may direct any such order passed by a Court subordinate thereto to be stayed, and may modify, alter or annul it.

Stay of such order.

420. The order passed by any Court under section four hundred and eighteen or four hundred and nineteen may be in the form of a reference of the property to the Magistrate of the District, or of a Magistrate of a Division of a District, who shall in such cases deal with it as if the property had been seized by the Police and the seizure had been reported to him in the manner hereinbefore mentioned.

Order may take form of reference to Magistrate of District.

421. Subject to any rules that may be passed by the Local Government with the previous sanction of the Governor General of India in Council, the Criminal Courts may order payment on the part of Government of the reasonable expenses of any complainant or witness attending for the purpose of any trial before such Court under this Act.

Expenses of complainants and witnesses.

422. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be bound to state the truth in his interpretation of such evidence or statement.

Interpreter to be sworn.

CHAPTER XXXI.

Lunatics.

423. When any person charged with an offence before a Magistrate, competent to try the case, appears to such Magistrate to be of unsound mind and incapable of making a defence, the Magistrate shall institute an inquiry to ascertain the fact of such unsoundness of mind, and shall cause the accused person to be examined by the Civil Surgeon of the District, or some other medical officer, and thereupon shall examine such Civil Surgeon or other medical officer, and shall reduce the examination into writing.

Procedure in case of accused being lunatic.

If the Magistrate is of opinion that the accused person is of unsound mind, he shall stay further proceedings in the case.

424. When, from the evidence given before a Magistrate, there appears to be sufficient ground for believing that the accused person committed an act which, if he had been of sound mind, would have been an offence triable exclusively by the Court of Session, and that he was at the time when the act was committed, by reason of unsoundness of

When accused appears to have been insane.

mind, incapable of knowing the nature of the act charged or that he was doing what was wrong or contrary to law, he shall if he appear to be sane at the time of inquiry be sent for trial by the Magistrate before the Court of Session:

If the accused person is a European British subject, the Magistrate shall follow the procedure prescribed in Chapter vii.

425. If any person committed for trial before a Court of Session, shall at his trial appear to the Court to be of unsound mind and incapable of making his defence, the Court shall in the first instance try the fact of such unsoundness of mind, and if satisfied of the fact, shall give a special judgment that the accused person is of unsound mind and incapable of making his defence, and thereupon the trial shall be postponed.

Procedure in case of person committed before a Court of Session being lunatic.

426. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court of Session, as the case may be, if the offence be bailable, may release such person on sufficient security being given that he shall be properly taken care of, and shall be prevented from doing injury to himself or to any other person, and for his appearance when required.

Release of lunatic pending investigation or trial.

If the offence be not bailable, or if the required bail be not given, the accused person shall be kept in safe custody in such place as the Local Government to which the case shall be reported shall direct.

Custody of lunatic.

427. Whenever an inquiry or trial is postponed under section four hundred and twenty-three or section four hundred and twenty-five, the Magistrate or Court of Session, as the case may be, may at any time resume the inquiry or trial, and require the accused person, if detained in custody, to be brought before such Magistrate or Court, or if the accused person has been released on security, may require his appearance.

Resumption of investigation or trial.

The surety of such person shall be bound at any time to produce him to any officer whom the Magistrate or Court of Session appoints to inspect him, and the certificate of such officer shall have the same effect as the certificate of an Inspector General of Prisons or the visitors of Lunatic Asylums, granted under section four hundred and thirty-two.

428. If, when the accused person appears or is again brought before the Magistrate or the Court of Session, as the case may be, it appears to such Magistrate or Court that the accused person is in a fit state of mind to make his defence, the inquiry shall proceed, or the accused person shall be put on his trial, as the case may require.

Procedure on accused appearing before Magistrate or Court of Session.

If it appears that the accused person is still of unsound mind, and incapable of making his defence, the Magistrate or Court of Session shall again act according to the provisions of section four hundred and twenty-three or section four hundred and twenty-five.

429. Whenever any person is acquitted upon the ground that, at the time at which he is charged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act charged, or that he was doing what was wrong or contrary to law, the finding shall state specially whether he committed the act or not.

Finding in case of acquittal on ground of being lunatic.

430. Whenever such finding states that the accused person committed the act charged, the Magistrate or Court of Session before whom the trial was held shall, if the act charged would, but for the incapacity found, have amounted to an offence, order such person to be kept in safe custody, in such place and manner as to the Magistrate or Court of Session seems fit, and shall report the case for the order of the Local Government.

Person so acquitted to be kept in safe custody.

The Local Government may order such person to be kept in safe custody in a Lunatic Asylum or other suitable place of safe custody.

431. When any person is confined under the provisions of section four hundred and twenty-six or section four hundred and thirty, the Inspector General of Prisons, if such person is confined in a jail, or the visitors of the Lunatic Asylums or any two of them, if he is confined in a Lunatic Asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every three months by such Inspector General or by two of such visitors as aforesaid, who shall make a special report to the Local Government as to his state of mind.

Lunatic prisoners to be visited by Inspector General.

432. If such person is confined under section four hundred and twenty-six, and such Inspector General or visitors as aforesaid shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court of Session, as the case may be, at such time as such Magistrate or Court of Session appoints; and such Magistrate or Court shall deal with such person under the provisions of section four hundred and twenty-eight, and the certificate of such officer or visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic prisoner is reported capable of making his defence.

433. If such person is confined under the provisions of section four hundred and thirty, and such Inspector General or visitors as aforesaid shall certify that in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government may thereupon either order him to be discharged or to be detained in custody or to be transferred to a public Lunatic Asylum if he has not been already sent to such an Asylum, and may appoint a commission, consisting of a judicial officer not below the grade of a Sessions Judge, and two medical officers, whereof the chief medical officer attached to the Lunatic Asylum shall be one.

Procedure where lunatic confined under section 430 is declared capable of being discharged.

The said commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary; and report to the Local

Parts IX & X, C. XXXI—XXXIII, ss. 434—439.

Government who may order hi tention as to it may seem fit.

434. Whenever any relative or friend of any person detained under the provisions of section four hundred and thirty is desirous that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend and on his giving security to the satisfaction of such Government that the person detained shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may make an order that the person so detained may be delivered to such relative or friend.

Delivery of lunatic to care of relative.

Whenever such person is so delivered over, it shall be upon condition that he shall be subject to the inspection of such officer as the Local Government thinks necessary to appoint, and at such times as such Government directs.

The provisions of sections four hundred and thirty-one, four hundred and thirty-two and four hundred and thirty-three shall apply to persons detained under the provisions of this section, and the certificate of the inspecting officer appointed under this section shall be dealt with as a certificate of the Inspector General of Prisons, or the visitors of Lunatic Asylums under the said sections.

Chapter XXXII.—Contempts of Court.

435. When any such offence as is described in sections one hundred and seventy-five, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, or two hundred and twenty-eight of the Indian Penal Code, is committed in the view or presence of any Civil, Criminal, or Revenue Court, the Court may cause the offender, whether he be a European British subject or not, to be detained in custody; and, at any time before the rising of the Court on the same day, may take cognizance of the offence; and adjudge the offender to punishment by fine not exceeding two hundred rupees, or by imprisonment in the civil jail for a period not exceeding one month, unless such fine be sooner paid.

Procedure in certain cases of contempt.

In every such case the Court shall record the facts constituting the contempt, with any statement the offender may make, as well as the finding and sentence.

436. If the Court, in any case, considers that a person accused of any offence above referred to should be imprisoned, or that a fine exceeding two hundred rupees should be imposed upon him, such Court, after recording the facts constituting the contempt, and the statement of the accused person as before provided, shall forward the case to a Magistrate, or, if the accused person be a European British subject, to a 1st class Magistrate who is a Justice of the Peace and a European British subject, and shall cause bail to be taken for the appearance of such accused person before such Magistrate, or, if sufficient bail be not tendered, shall cause the accused person to be forwarded under custody to such Magistrate.

Procedure where Court considers that accused should be imprisoned, or fined more than 200 rupees.

If the case be forwarded to a Magistrate, he shall proceed to try the accused person in the manner provided by this Act for trials before a Magistrate, and such Magistrate may adjudge the offender to punishment, as provided in the section of the Indian Penal Code under which he is charged.

If in the case of a European British subject, the Magistrate to whom he is forwarded considers the offence to require a more severe punishment than he is competent to award under Chapter VII of this Act, he may commit the offender to the Session Court.

In no case tried under this section shall any Magistrate adjudge imprisonment or a fine exceeding two hundred rupees for any contempt committed in his own presence against his own Court.

437. When any Court has adjudged an offender to punishment, or forwarded him to a Magistrate for trial for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may discharge the offender, or remit the punishment, on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

Discharge of offender on submission or apology.

438. When any such offence as is described in Chapter X of the Indian Penal Code, except sections one hundred and seventy-five, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty and two hundred and twenty-eight is committed in contempt of the lawful authority of any Civil, Criminal, or Revenue Court by a European British subject, such offence shall be cognizable only by a Magistrate of the 1st class who is a Justice of the Peace and a European British subject, and such Magistrate may deal with the offender on conviction in the same manner as is provided in that behalf in section seventy-four.

Procedure when offender is a European British subject.

If such Magistrate considers the offence to require a more severe punishment than he is competent to award under the said section, he may commit the offender to the Session Court.

PART X.

CHARGE, JUDGMENT, AND SENTENCE.

CHAPTER XXXIII.

Of the Charge.

Form of Charges.

439. The charge shall state the offence with which the accused person is charged.

Charge to state offence.

If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only.

Specific name of offence, sufficient statement.

If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the prisoner notice of the matter with which he is charged.

How stated where offence has no specific name.

The Act and section or sections of the Act against which the offence is said to have been committed must be noted in the margin of the charge.

What implied in charges.

The fact that the charge is made shall be equivalent to a statement that every legal condition necessary by law to constitute the offence charged was fulfilled in the particular case.

Illustrations.

(a). A is charged with the murder of B.

This is equivalent to a statement that A's act fell within the definition of murder given in sections 299 and 300 of the Indian Penal Code; that it did not fall within any of the general exceptions of the Penal Code; and that it did not fall within any of the five exceptions to section 300, or that if it did fall within exception 1, one or other of the three provisos to that exception applied to it.

(b). A is charged under section 326 of the Indian Penal Code, with voluntarily causing grievous hurt to B, by means of an instrument for shooting: this is equivalent to a statement that the case was not provided for by section 335 of the Indian Penal Code, and that the general exceptions did not apply to it.

(c). A is accused of murder, cheating, theft, extortion, adultery or intimidation, or using a false property-mark. The charge may state that A committed murder, or cheating, or theft, or extortion or adultery, or intimidation, or that he used a false property-mark without reference to the definitions of those crimes contained in the Indian Penal Code, but the sections by which they are defined must be noted in the margin.

(d.) A is charged under section 184 of the Indian Penal Code with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

Particulars as to time, place and person.

440. The charge shall contain such particulars as to the time and place of the alleged offence and the person against whom it was committed as are reasonably sufficient to give notice to the person accused of the matter with which he is charged.

When manner of committing offence must be stated.

441. When the nature of the case is such that the particulars mentioned in sections four hundred and thirty nine and four hundred and forty do not give sufficient notice to the person accused of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

Illustrations.

(a.)—A is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.

(b.)—A is accused of cheating B at a given time and place. The charge must set out the manner in which A cheated B.

(c.)—A is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by A which is alleged to be false.

(d.)—A is accused of obstructing B, a public servant, in discharge of his public functions at a given time and place. The charge must set out the manner in which A obstructed B in the discharge of his functions.

(e.)—A is accused of the murder of B at a given time and place. The charge need not state the manner in which A murdered B.

(f.)—A is accused of disobeying a direction of the law with intent to save B from punishment. The charge must set out the disobedience charged and the law infringed.

Forms in schedule.

442. The charge may be in the form given in the third schedule to this Act or to the like effect.

Effect of errors.

443. No error either in the way in which the offence is stated or in the particulars required to be stated in section four hundred and forty-one, and no omission to state the offence or to state those particulars shall be regarded at any stage of the case as material unless the person accused was in fact misled by such error or omission.

Illustrations.

(a.)—A is charged under section 242 of the Indian Penal Code with "having been in possession of counterfeit coin having known at the time when he became possessed thereof that such coin was counterfeit." The word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission, the error shall not be regarded as material.

(b.)—A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses, and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(c.)—A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was in this case a material error.

(d.)—A is charged with the murder of Khuda Baksh on the 21st January. In fact the person's name was Haidar Baksh and the date of the murder was the 20th January. A was never charged with any murder but one, and had heard the inquiry before the Magistrate which referred exclusively to the case of Haidar Baksh. The Court may infer from these facts that he was not misled, and that the error in the charge was immaterial.

(e.)—A was charged with murdering Haidar Baksh on the 20th January and Khuda Baksh (who tried to arrest him for that murder) on the 21st January. When charged for the murder of Haidar Baksh he was tried for the murder of Khuda Baksh. The witnesses present in his defence were witnesses in the case of Haidar Baksh. The Court may infer from this that he was misled, and that the error was material.

Prisoner may apply for amendment.

444. Any accused person may apply to the Court by which he is to be tried for any amendment of the charge made against him, and in considering whether any error in any charge did in fact mislead the person accused, the Court shall take into account the fact that he did or did not make such an application.

Court may amend.

445. Any Court may, either upon the application of the accused person or upon its own motion, amend or alter any charge at any stage of the proceedings. Such amendment shall be read and explained to the accused person.

How Court of Session may deal with charge.

446. If a prisoner is committed to the Court of Session, either without any charge at all, or upon a charge which the Court, upon reference to the proceedings before the committing Magistrate, considers improper, the Court of Session may draw up a charge for any offence which it considers to be proved by the evidence taken before the committing Magistrate, a copy of which charge shall be given to the person accused.

When trial may proceed immediately after amendment.

447. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused person in his defence, it shall be at the discretion of the Court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When new trial may be directed or trial suspended.

448. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused person in his defence, the Court may either direct a new

trial, or suspend the trial for such period as may be necessary to enable him to make his defence to the amended or altered charge; and, after hearing his defence, may further adjourn the trial, to admit of the appearance of any witness, whose evidence the Court may consider to be material to the case, or whom the accused person may wish to be summoned in his defence.

Defendant may recall witnesses.

449. In all cases of amendment or alteration of a charge, the prosecutor and accused person shall be allowed to recall and examine any witness who may have been examined.

Previous sanction to be obtained if offence in new charge require it.

450. If the offence stated in the new charge be one for which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the new charge was based.

Effect of material error.

451. If any Appellate Court, or the High Court in the exercise of its powers of revision is of opinion that any person convicted of any offence was in fact misled in his defence by any error in the charge, it shall direct a new trial upon a charge amended in whatever manner it thinks proper. If it is of opinion that the facts of the case are such that no valid charge could be preferred against the person accused in respect of the facts proved, it shall quash the conviction.

Illustration.

A is convicted of an offence under section 188 of the Indian Penal Code upon a charge which omits to state that A knew that he was directed to abstain from a certain act by an order promulgated by a public servant lawfully empowered to promulgate such order. If the Court thinks it probable that A had such knowledge, and that he was misled in his defence by the omission from the charge of the statement that he had it, it shall direct a new trial upon an amended charge; but if it appears probable from the proceedings that A had no such knowledge, it shall quash the conviction.

JOINDER OF CHARGES.

Separate charges for distinct offences.

452. There must be a separate charge for every distinct offence of which any person is accused, and every such charge must be tried separately except in the cases hereinafter excepted.

Illustration.

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft, and the causing grievous hurt.

More offences of one kind may be charged in a year.

453. When a person is accused of more offences than one of the same kind committed within one year of each other, he may be charged and tried at the same time for any number of them not exceeding three.

EXPLANATION.—Offences are said to be of the same kind under this section if they fall within the provisions of section four hundred and fifty-five.

Facts forming a connected transaction.

454. If in one set of facts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with and tried for every such offence at the same time.

Illustration.

A breaks into a house, murders the owner, steals his property, and injures a policeman who tries to arrest him. He may at one time be charged with and tried for housebreaking, murder, theft and hurt.

Where it is doubtful what offence has been committed.

455. If a single act or set of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the person accused may be charged with having committed any such offence, and any number of such charges may be tried at once, or he may be charged in the alternative with having committed some one of the said offences.

Illustration.

A is accused of an act which may amount to either theft, receiving stolen property, criminal breach of trust, or cheating. He may be charged separately with theft, criminal breach of trust, and cheating, or he may be charged with having committed either theft or criminal breach of trust or cheating.

When a person charged with one offence he can be convicted of another.

456. If in the case mentioned in the last section, one charge only is brought against an accused person, and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed although he was not charged with it.

Illustration.

A is charged with theft. It appears that he committed criminal breach of trust or receiving stolen goods. He may be convicted of criminal breach of trust or receiving stolen goods though he was not charged with it.

When offence proved included in offence charged.

457. When a person is charged with an offence and part of the charge is not proved, but the part which is proved amounts to a different offence, he may be convicted of the offence which he is proved to have committed though he was not charged with it.

Illustrations.

(a).—A is charged under section 407, Indian Penal Code with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

(b).—A is charged with murder. He may be convicted of culpable homicide or of causing death by negligence.

What persons may be charged jointly

458. When more persons than one are accused of the same offence or of different offences committed in the same transaction, or when one person is accused of committing any offence and another of abetment or attempt of such offence, they may be charged and tried together or separately as the Court thinks proper, and the provisions hereinbefore contained shall apply to all such charges.

Illustrations.

(a.)—A and B are accused of the same murder. A and B may be charged and tried together for the murder.

(b.)—A and B are accused of a robbery in the course of which A commits a murder with which B has nothing to do. A and B may be tried together on a charge, charging both of them with the robbery, and A alone with the murder.

(c.)—A and B are both charged with a theft, and B is charged with two other thefts committed by him within the year. They may be both tried together on a charge, charging both with the one theft, and B alone with the two others.

459. In trials before a Court of Session or High Court, when more charges than one are preferred against the same person, and when a conviction has been had on one or more of them, the Government Pleader or other officer conducting the prosecution may, with the consent of the Court, withdraw, or the Court of its own accord may suspend, the inquiry into the remaining charge or charges.

Withdrawal of remaining charges on conviction on one of several charges.

Previous Acquittals or Convictions.

460. A person who has once been tried for an offence and convicted or acquitted of such offence, shall not be liable to be tried again on the same facts for the same offence, nor for any other offence for which a different charge from the one made against him might have been made under section four hundred and fifty-five, or for which he might have been convicted under section four hundred and fifty-six.

Person once convicted or acquitted not to be tried for same offence.

A person convicted or acquitted of any offence may be afterwards tried for any offence for which a separate charge might have been made against him on the former trial under section four hundred and fifty-four.

A person acquitted or convicted of any offence in respect of any act causing consequences which together with such act constituted a different offence from that for which such person was acquitted or convicted, may be afterwards tried for such last-mentioned offence if the consequences had not happened or were not known to the Court to have happened, at the time when he was acquitted or convicted.

Illustrations.

(*a.*)—A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards be charged upon the same facts either with theft as a servant, with theft simply, or with criminal breach of trust.

(*b.*)—A is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that robbery was committed, He may afterwards be charged with and tried for robbery.

(*c.*)—A is tried for an assault and convicted. The person afterwards dies. A may be tried again for culpable homicide.

(*d.*)—A is tried under section 270 of the Indian Penal Code, for malignantly doing an act likely to spread the infection of a disease dangerous to life and is acquitted. The act so done afterwards causes a person permanently to lose his eyesight. A may be charged under section 325 with voluntarily causing grievous hurt to that person.

CHAPTER XXXIV.

Of the Judgment Order, and Sentence.

461. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if the accused person be convicted, shall distinctly specify the offence of which, and the section of the Indian Penal Code or other law under which, he is convicted;

Judgment to specify offence.

or if it be doubtful under which of two sections or under which of two parts of the same section the offence falls, the Court shall distinctly express the same, and pass judgment in the alternative, according to section seventy-two of the said Code.

Judgment in the alternative.

462. In trials with assessors, when the exhibits have been perused, the witnesses examined, and the parties heard in person or by their respective pleaders, the Court shall pronounce its judgment. The judgment shall be pronounced in open Court either immediately or on some future day of which due notice shall be given to the parties or their pleaders.

When judgment is to be pronounced.

463. The judgment or final order shall be written by the presiding officer of the Court in English or the language of the district.

Judgment to be written in English or language of district.

If the language of the Judge be not English and the Judge be sufficiently conversant with the English language to be able to write a clear and intelligible decision in that language, and prefer to write his judgment in it, the judgment may be written in English.

Proviso.

464. The judgment or final order shall contain the point or points for determination, the finding thereupon, and the reasons for the finding, and shall be dated and signed by the Judge in open Court at the time of pronouncing it. It shall specify the offence of which the accused person is convicted, and the punishment to which he is sentenced; or, if it be a finding of acquittal, it shall direct that he be set at liberty.

Judgment what to contain.

The judgment or order shall be explained to the accused person, or person affected by it, and a copy shall be given him in his own language as soon as possible.

The original shall be filed with the record of proceedings, and a translation thereof, where the original is recorded in a different language from that in ordinary use in the district, shall be incorporated in the record of the judgment or order.

Judgment to be translated.

In trials by Jury the Court need not state its reasons for its judgment, but shall record the heads of the charge to the Jury.

If the Judge differ from the Jury and determine to submit the case to the High Court, he shall record the grounds of his opinion.

CHAPTER XXXV.

Prosecutions in certain Cases.

465. A complaint of an offence punishable under chapter VI of the Indian Penal Code, except section one hundred and twenty-seven, or punishable under section two hundred and ninety-four A of the said Code, shall not be entertained by any Court, unless the prosecution be instituted by order of, or under authority from, the Governor General of India in Council, or the Local Government or some officer empowered by the Governor General in Council to order or authorize such prosecution, or unless instituted by the Advocate General.

Prosecutions for offences against the State.

466. A complaint of an offence committed by a public servant in his capacity as such public servant, of which any Judge or any public servant not removeable from his office without the sanction of the Government is accused as such Judge or public servant, shall not be entertained

Prosecution of Judges and public servants.

against such Judge or public servant, except with the sanction or under the direction of the Local Government, or of some officer empowered by the Local Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power so to sanction or direct such prosecution the Local Government shall not think fit to limit or reserve.

No such officer or servant of Government shall be prosecuted for any act purporting to be done by him in the discharge of his duty unless with the sanction of Government.

Prosecution for contempts of the lawful authority of public servants.

467. A complaint of any offence described in chapter X of the Indian Penal Code, not falling within section four hundred and thirty-five or four hundred and thirty-six of this Act shall not be entertained in any Criminal Court except with the sanction or on the complaint of the public servant concerned, or of his official superior.

The prohibition contained in this section shall not apply to the offences described in sections one hundred and eighty-nine and one hundred and ninety of the Indian Penal Code.

Prosecution for certain offences against public justice.

468. A complaint of an offence against public justice, described in section one hundred and ninety-three, one hundred and ninety-four, one hundred and ninety-five, one hundred and ninety-six, one hundred and ninety-nine, two hundred, two hundred and five, two hundred and six, two hundred and seven, two hundred and eight, two hundred and nine, two hundred and ten, two hundred and eleven, or two hundred and twenty-eight of the Indian Penal Code, when such offence is committed before or against a Civil or Criminal Court, shall not be entertained in the Criminal Courts, except with the sanction of the Court before or against which the offence was committed, or of some other Court to which such Court is subordinate.

Prosecution for certain offences relating to documents given in evidence.

469. A complaint of an offence relating to documents described in section four hundred and sixty-three, four hundred and seventy-one, four hundred and seventy-five, or four hundred and seventy-six of the Indian Penal Code, when the document has been given in evidence in any proceedings in any Court of Justice, shall not be entertained against a party to such proceedings, except with the sanction of the Court in which the document was given in evidence, or of some other Court to which such Court is subordinate.

Nature of sanction necessary.

470. The sanction contemplated by sections four hundred and sixty-seven, four hundred and sixty-eight, and four hundred and sixty-nine, may be expressed in general terms, and need not name the accused person.

It may be given at any time, and a sanction under any one of the three last preceding sections shall be deemed sufficient authority for the Court to amend the charge to one embracing an offence coming within either of the two remaining sections, provided the facts disclose such offence.

Procedure in cases mentioned in sections 467, 468 and 469.

471. When any Court, Civil or Criminal, is of opinion that there is sufficient ground for inquiring into any charge mentioned in sections four hundred and sixty-seven, four hundred and sixty-eight, and four hundred and sixty-nine, the Court, after making such preliminary inquiry as may be necessary, may either commit the case itself or may send the case for inquiry to any Magistrate having power to try or commit for trial the accused person for the offence charged.

Such Magistrate shall thereupon proceed according to law, and the Court may send the accused person in custody or take sufficient bail for his appearance before such Magistrate, and may bind over any person to appear and give evidence on such trial or inquiry.

Power of Court of Session as to such offences committed before itself.

472. A Court of Session may charge a person for any such offence committed before it or under its own cognizance if the offence be triable by the Court of Session exclusively, and may commit or hold to bail and try him upon its own charge.

In such case the Court of Session shall have the same power of summoning and causing the attendance at the trial of any witnesses for the prosecution or for the defence as is vested in a Magistrate by this Act.

Such Court may direct the Magistrate to cause the attendance of such witnesses on the trial.

Offences in contempt of Court how to be disposed of.

473. Except as provided in sections four hundred and thirty-five, four hundred and thirty-six and four hundred and seventy-two, no Court shall try any person for an offence committed in contempt of its own authority.

Power of Civil Courts to complete investigation and commit to Court of Session.

474. In any case triable by the Court of Session exclusively, any Civil Court before which any such offence was committed may, instead of sending the case for inquiry to a Magistrate, complete the inquiry itself, and commit or hold to bail the accused person to take his trial before the Court of Session.

For the purposes of an inquiry under this section, the Civil Court may exercise all the powers of a Magistrate, and its proceeding in such inquiry shall be deemed to have been held by a Magistrate.

Procedure of Civil Court in such cases.

475. When any such commitment is made by order of a Civil Court, the Court shall frame a charge in the manner hereinbefore provided, and shall send the same with the order of commitment and the record of the case to the Magistrate of the District or other Magistrate of the 1st class, and such Magistrate shall bring the case before the Court of Session, together with the witnesses for the prosecution and defence.

Court may exercise all powers of Magistrate as to binding over persons to give evidence.

476. Whenever any Civil or Criminal Court commits or holds to bail any person for trial under sections four hundred and seventy-two, four hundred and seventy-four, or four hundred and seventy-five, it may also bind over any person to give evidence, and for that purpose may exercise all the powers of a Magistrate.

Acts X & XI, 1870, XXV—XXXVII, 1871, 477—489.

477. If any such offence, triable by the Court of Session exclusively, be committed before a Magistrate not empowered to commit for trial before a Court of Session, he shall send the case to a Magistrate competent to make such commitment, who shall proceed to pass such order in the case as he thinks fit.

Procedure where offence triable only by Session Court is committed before Magistrate not empowered to commit to such Court.

478. A complaint of an offence under section four hundred and ninety-seven of the Indian Penal Code shall not be instituted except by the husband of the woman, or by any person under whose care she was living at the time when the adultery was committed.

Prosecution for adultery.

479. A complaint of an offence under section four hundred and ninety-eight of the Indian Penal Code shall not be instituted, except by the husband of the woman or by the person having care of such woman on behalf of her husband.

Prosecution for enticing away a married woman.

PART XI.

PREVENTIVE JURISDICTION OF MAGISTRATES.

CHAPTER XXXVI.

OF THE DISPERSION OF UNLAWFUL ASSEMBLIES.

480. Any Magistrate or officer in charge of a Police-station may command any unlawful assembly or any assembly of five or more persons likely to cause a disturbance of the public peace to disperse, and it shall thereupon be the duty of the members of such unlawful assembly to disperse accordingly.

Assembly to disperse on command of Magistrate or Police officer.

481. If upon being so commanded any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer in charge of a Police-station may proceed to disperse it by force, and may require the assistance of any person, other than any troops of Her Majesty acting as such, for the purpose of dispersing it, and apprehending the persons who form part of it.

Use of force to disperse.

482. If an unlawful assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present may cause it to be dispersed by Military Force.

Use of Military Force.

483. No Magistrate shall be held to commit any offence by ordering the dispersion by Military Force of any assembly the dispersion of which he regards on reasonable grounds and in good faith as necessary to the public security.

When use of Military Force is not an offence.

484. When a Magistrate determines to disperse an assembly by Military Force, he may require any officer in command of any of Her Majesty's Troops to disperse such assembly by such force, and it shall be the duty of every such officer to obey every such requisition in such manner as in his discretion may appear proper; but in doing so he shall use as little force and do as little injury to person and property as is consistent with dispersing the assembly and arresting and detaining such persons as he may be directed by the Magistrate to arrest and detain.

Duty of officer commanding troops required by Magistrate to disperse assembly.

485. No officer obeying any such requisition shall be held to have committed any offence by any act done by him in good faith in order to comply with it.

What acts done in obeying requisition not an offence.

486. No inferior officer or private soldier shall be held to have committed any offence by any act done for the dispersion of any such assembly in obedience to any order which he was bound by the Mutiny Act or by the Indian Articles of War to obey.

Acts of inferior officers and soldiers done in obedience to order not an offence.

487. When the public security is manifestly endangered by an unlawful assembly, and when no Magistrate can be communicated with, any Commissioned Officer of Her Majesty's Forces may disperse any such assembly by military force, and in doing so, he shall have the same protection as a Magistrate, but as soon as he can communicate with any Magistrate, it is his duty to do so.

Duty of Queen's officers to suppress assembly.

488. No prosecution against any Magistrate, officer or soldier for any act done under the provisions contained in sections four hundred and eighty-one, four hundred and eighty-two, four hundred and eighty-four and four hundred and eighty-seven shall be entertained in any Criminal Court except with the sanction of the Local Government.

Sanction required to prosecutions for acts done under sections 481, 482, 484 and 487.

CHAPTER XXXVII.

OF SECURITY FOR KEEPING THE PEACE.

489. Whenever a person accused of rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, is convicted of such offence before any Court of Session, or Magistrate of a division of a District, or a Magistrate of the 1st class,

and the Court or Magistrate as aforesaid by which or by whom the accused person is convicted, or the Court or Magistrate as aforesaid by which or by whom the final sentence or order in the case is passed, is of opinion that it is just and necessary to require a personal recognizance for keeping the peace from the person so convicted,

the Court or Magistrate aforesaid so convicting the accused person, or so passing the final sentence or order as aforesaid, may, in addition, direct that the person so convicted be required to execute a formal engagement, in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year if the sentence or order be passed by a Magistrate, or three years if the sentence or final order be passed by a Court of Session, with a provision that if the same be not given the person required to enter into the engagement shall be kept in custody for any time not exceeding one

Personal recognizance to keep the peace in cases of conviction.

year if the order be passed by a Magistrate, or three years if the order be passed by the High Court or by a Court of Session unless he bind himself within such period:

If the accused person be sentenced to imprisonment, the period for which he may be required to execute a recognizance and the imprisonment in default of executing such recognizance shall commence when he is released on the expiration of his sentence.

When any accused person is convicted of any offence specified in this section by a Magistrate neither in charge of a division of a District nor of the 1st class, such Magistrate, if he considers it just and necessary to require a personal recognizance for keeping the peace from the person so convicted, shall report the case to the Magistrate of the District, the Magistrate of the division of the District or to a 1st class Magistrate to whom such Magistrate is subordinate, who shall deal with the case as if the conviction had been before himself.

Where convicting officer is not in charge of division of district nor a Magistrate of 1st class.

490. Whenever it appears necessary to require security for keeping the peace, in addition to the personal recognizance of the party so convicted, the Court or Magistrate, empowered to require a personal recognizance, may require security in addition thereto, and fix the amount of the security-bond to be executed by the surety or sureties; with a provision that, if the same be not given, the party required to find the security shall be kept in custody for any time not exceeding one year if the order be passed by the Magistrate of the District, Magistrate of a Division of a district, or by a 1st Class Magistrate, or three years if the order be passed by the High Court or by a Court of Session.

Security to keep the peace.

491. Whenever a Magistrate of a division of a District, or a Magistrate of the 1st class, receives credible information that any person is likely to commit a breach of the peace, or to do any act that may probably occasion a breach of the peace, he may summon him to attend at a time and place mentioned in the summons, to show cause why he should not be required to enter into a bond to keep the peace with or without sureties as such Magistrate thinks fit.

Summons to any person to show cause why he should not give bond to keep peace.

EXPLANATION.—A summons calling on a person to show cause why he should not be bound over to keep the peace may be issued on any report or other information which appears reliable and which the Magistrate believes, but the Magistrate cannot bind over a person until he has adjudicated on evidence before him.

492. The summons shall set forth the substance of the information, the amount of the bond, and the term for which it is to be in force, and, if security is called for, the number of sureties required, and the amount in which they are to be bound respectively.

Form of summons.

493. The bond shall be in the Form (E) given in the second schedule, or to the like effect, and its penalty shall be fixed with a due regard to the circumstances of the case and of the means of the party.

Penalty of bond.

The amount in which the sureties shall be bound shall not exceed the penalty.

494. If the person summoned does not attend on the day appointed, such Magistrate, if satisfied that the summons has been duly served, may issue a warrant for his arrest:

Warrant of arrest.

Provided that, whenever it appears to such Magistrate, upon the report of a Police officer or upon other credible information (the substance of which report or information shall be recorded), that there is just reason to fear the commission of a breach of the peace, which may probably be prevented by the immediate arrest of any person, the Magistrate may at any time issue a warrant for his arrest.

495. The Magistrate may, if he see sufficient cause, dispense with the personal attendance of the person informed against, and permit him to appear and enter into the required security, or show cause against such requisition, by an agent duly authorized to act in his behalf.

Magistrate may dispense with personal attendance of person informed against.

496. If on the appearance of the person informed against, or of his agent, if he is permitted to appear by agent, the Magistrate is not satisfied that there is occasion to bind such person to keep the peace, the Magistrate shall direct his discharge.

Discharge of person informed against.

497. If the Magistrate is satisfied that it is necessary for the preservation of the peace to take a bond from such person with or without security, he shall make an order accordingly; and if the person fails to comply with the order, the Magistrate may commit him to prison until he furnish the same.

Non-compliance with order to give bond.

498. The period for which the Magistrate may bind a person to keep the peace with or without security, shall not exceed one year.

Time for which person may be bound to keep peace.

When a person is committed to prison under section four hundred and ninety-seven, he shall not be detained by authority of the Magistrate beyond the term of one year, and shall be released whenever within that term he complies with the order.

Limit of imprisonment under section 497.

499. Whenever it appears to the Magistrate that it is necessary for the preservation of the peace to bind a person beyond the term of one year, he may, before the expiration of the first year, record his opinion to that effect and the grounds thereof, and may refer the case for the orders of the Court of Session.

Extension of time for which person may be bound.

Such Court, after examining the proceedings of the Magistrate, and making such further injury as it thinks necessary, may, if it see cause, authorize the Magistrate to extend the term for a further period not exceeding one year.

If the person fails to give a bond, with security if required, for his keeping the peace for such further period as the Magistrate directs under the orders of the Court of Session, he may be kept in confinement for such further period or until within that period he gives such bond.

Act XI, 1872, ss. 497, 498, 499, 500—510.

Discharge of recognizances.

500. The Magistrate of the District may, if he see sufficient cause, discharge any recognizance and surety for keeping the peace taken by him, or by one of his subordinates, or by his predecessor under the preceding sections, and may order the release of the person confined for default in entering into such recognizance or giving such security.

Discharge of sureties.

501. A surety for the peaceable conduct of another person may at any time apply to the Magistrate to be relieved from his engagement as surety.

On such application being made, the Magistrate shall issue his summons or warrant in order that the person for whom such surety is bound may appear or be brought before him.

On the appearance of the person to such warrant or on his voluntary surrender, the Magistrate or other officer as aforesaid shall direct the engagement of the surety to be cancelled, and shall call upon such person to give fresh security, and in default thereof shall commit him to custody.

Recovery of penalty from principal.

502. Whenever it is proved before the Magistrate that any recognizance or other bond taken under this chapter has been forfeited, he shall record the grounds of such proof, and shall call upon the person bound by the bond to pay the penalty thereof, or to show cause why it should not be paid.

If sufficient cause be not shown and the penalty be not paid, the Magistrate shall proceed to recover the same by issuing a warrant for the attachment and sale of any of the moveable property belonging to the person bound by the recognizance or other bond.

Such warrant may be executed within the jurisdiction of the Magistrate of the District in which it was issued, and it shall authorize the distress and sale of any moveable property belonging to the person bound without the jurisdiction of the said Magistrate when endorsed by the Magistrate of the District in which such property is situated.

If the penalty be not paid and cannot be recovered by such attachment and sale, the party shall be liable to imprisonment by order of the Magistrate in the civil jail for a period not exceeding six months.

Recovery of penalty from surety.

503. Whenever it is proved before the Magistrate that any bond with a surety has been forfeited, the Magistrate may at his discretion give notice to the surety to pay the penalty to which he has thereby become liable, or to show cause why it should not be paid.

If no sufficient cause is shown, and the penalty is not paid, the Magistrate may proceed to recover payment of the penalty from such surety in the same manner as from the principal party.

CHAPTER XXXVIII.

Of Security for good Behaviour.

When Magistrate may require security for good behaviour for six months.

504. Whenever it appears to the Magistrate of the District, or to a Magistrate of the 1st class, that any person is lurking within his jurisdiction, or who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself, such Magistrate may require such security for his good behaviour for a period not exceeding six months as to him may appear good and sufficient.

When Magistrate may require security for good behaviour for one year.

505. Whenever it appears to such Magistrate from the evidence as to general character adduced before him, that any person is by repute a robber, house-breaker, or thief,

or a receiver of stolen property, knowing the same to have been stolen,

or of notoriously bad livelihood, or is a dangerous character,

such Magistrate may require similar security for his good behaviour for a period not exceeding one year.

Procedure where security required for more than one year.

506. Whenever it appears to such Magistrate from the evidence as to general character adduced before him, that any person is by liabit a robber, house-breaker, or thief,

or a receiver of stolen property, knowing the same to have been stolen,

or of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community,

he shall record his opinion to that effect, with an order specifying the amount of security which should, in his judgment, be required from such person, as well as the number, character, and class of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

Proceedings to be laid before Court of Session.

507. If a person required to furnish security, under the provision of the last preceding section, does not furnish the same or offers sureties whom the Magistrate sees fit to reject, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session.

Such Court, after examining them and requiring any further information or evidence which it judges necessary, may pass orders on the case, either confirming, modifying or annulling the orders of such Magistrate as it judges proper.

Court of Session may require security for period not exceeding three years.

508. If the Court of Session does not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

Contents of order for security.

509. Whenever security for good behaviour is required by the Court of Session or by a competent Magistrate, the amount, the security, the number and description of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated in the order.

The security-bond shall be in the Form (G) given in the second schedule, or to the like effect.

Imprisonment in default of security.

510. In the event of any person required to give security under the provisions of the foregoing sections failing to furnish the security so required, he shall be committed to prison until he furnish the same.

Part XI, C.XXXVIII & XXXIX, ss. 511—519.

Provided that no such person shall be kept in prison for a longer period than that for which the security has been required from him.

Term of imprisonment.

Imprisonment under this section may be rigorous or simple, as the Court in each case directs.

511. The Magistrate of the District is empowered, at any time, to exercise his discretion in releasing, without reference to any other authority, any prisoner confined under requisition of security for good behaviour, whether by his own order or by the order of any officer subordinate to him, provided he is of opinion that such person can be released without hazard to the community.

Release of prisoners under requisition of security.

512. Whenever the Magistrate of the District as aforesaid is of opinion that any person confined under requisition of security for good behaviour by order of a Court of Session, can be safely released without such security, such Magistrate shall make an immediate report of the case for the orders of such Court of Session.

Report in case of prisoner under requisition of security by order of Court of Session.

513. A surety for the good behaviour of a person may at any time apply to a competent Magistrate to be relieved from his engagement as surety.

Discharge of surety.

On such application being made, such Magistrate shall issue his summons or warrant in order that such person may appear or be brought before him.

On the appearance of such person pursuant to the warrant or on his voluntary surrender, such Magistrate shall direct the engagement of the surety to be cancelled, and shall call upon the person so appearing or surrendering to give fresh security, and, in default thereof, shall commit him to custody.

514. Whenever a competent Magistrate is of opinion that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, subsequent to his having given such security, proceedings should be had upon the bond executed by the surety, he shall give notice to the surety to pay the penalty, or to show cause why it should not be paid.

Recovery of penalty from sureties.

If no sufficient cause be shown, such Magistrate shall proceed to recover the penalty from such surety by issuing a warrant for the attachment and sale of any moveable property belonging to him. Such warrant may be executed within the jurisdiction of the Magistrate of the District in which it was issued, and it shall authorize the distress and sale of any moveable property belonging to such surety without the jurisdiction of the said Magistrate when endorsed by the Magistrate of the District in which such property is situated.

If the penalty be not paid, and cannot be recovered by such attachment and sale, the surety shall be liable to imprisonment by order of such Magistrate in the civil jail for a period not exceeding six months.

515. The provisions of sections four hundred and ninety-two and four hundred and ninety-four relating to the issue of summons and warrant of arrest for securing the personal attendance of the party informed against, when such party is not in custody, shall apply to proceedings taken under this chapter against persons required to give security for their good behaviour:

Issue of summons and warrant of arrest.

And any evidence taken under Part XI, Chapter XXXVII or this chapter, shall be taken as in cases usually heard by a Magistrate upon summons.

Manner of taking evidence under Part XI, Chapter XXXVII or this chapter.

516. It shall be competent to a Magistrate to refuse to accept any surety offered under this chapter on the ground that such surety is an unfit person.

Sureties may be rejected on the ground of character.

517. The provisions of this chapter shall not apply to European British subjects.

Chapter not applicable to European British subjects.

CHAPTER XXXIX.

Local Nuisances.

518. A Magistrate of the District, or a Magistrate of a division of a District, or any Magistrate specially empowered, may, by a written order, direct any person to abstain from a certain act, or to take certain order with certain property in his possession, or under his management, whenever such Magistrate considers that such direction is likely to prevent, or tends to prevent,

Magistrate may issue orders to prevent obstructions, danger to human life, or riots.

obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed,

or danger to human life, health, or safety,

or a riot or an affray.

Explanation I.—This section is intended to provide for cases where a speedy remedy is desirable and where the delay, which would be occasioned by a resort to the procedure contained in section five hundred and twenty-one and the following provisions, would, in the opinion of the Magistrate, occasion a greater evil than that suffered by the individual upon whom the order was made, or would defeat the intention of this chapter.

Explanation II.—An order may in emergent cases, or in cases where the circumstances do not admit of the serving of notice, be passed *ex parte*, and may in all cases be made upon such information as satisfies the Magistrate.

Explanation III.—An order may be directed to a particular individual; or to the public generally when frequenting or visiting a particular place.

Explanation IV.—Any Magistrate may recall or alter any order made by him or by his predecessor in the same office.

519. A Magistrate of the District, or a Magistrate of a division of a District, or any Magistrate specially empowered, may enjoin any person not to repeat or continue a public nuisance, as defined in section two hundred and sixty-eight of the Indian Penal Code and under any Local or Special Law.

Magistrate may prohibit repetition or continuance of public nuisances.

Part XI. XXIX, 520—526.

520. Orders made under sections five hundred and eighteen and five hundred and nineteen are not judicial proceedings.

Orders not judicial proceedings.

521. Whenever the Magistrate of a District or the Magistrate of a division of a District, or, when empowered by the Local Government in this behalf, a Magistrate of the 1st class, considers that any unlawful obstruction or nuisance should be removed from any thoroughfare or public place,

or that any trade or occupation, by reason of its being injurious to the health or comfort of the community, should be suppressed or should be removed to a different place,

or that the construction of any building, or the disposal of any combustible substance, as likely to occasion conflagration, should be prevented,

or that any building is in such a state of weakness that it is likely to fall, and thereby cause injury to persons passing by, and that its removal in consequence is necessary,

or that any tank or well adjacent to any public thoroughfare should be fenced in such a manner as to prevent danger arising to the public—

he may issue an order to the person causing such obstruction or nuisance, or carrying on such trade or occupation, or being the owner or in possession of, or having control over, such building, substance, tank, or well as aforesaid, calling on him, within a time to be fixed in the order,

to remove such obstruction or nuisance,

or to suppress or remove such trade or occupation,

or to stop the construction of such building,

or to remove it,

or to alter the disposal of such substance,

or to fence such tank or well (as the case may be),

or to appear before himself or some other Magistrate of the 1st or 2nd class within the time mentioned in the order, and show cause why such order should not be enforced.

Magistrate may order removal of nuisances.

522. The order mentioned in section five hundred and twenty-one shall, if practicable, be served personally on the person to whom it is issued.

But if personal service is found to be impracticable, the order shall be notified by proclamation, and a written notice thereof shall be stuck up at such place or places as may be best adapted for conveying the information to such person.

Service or notification of order.

523. The person to whom such order is issued shall be bound, within the time specified in the order, to obey the same or to appear before the Magistrate before whom he was required by the order to appear and show cause as aforesaid, or he may apply to such Magistrate for an order for a jury to be appointed to try whether the order is reasonable and proper.

Person ordered shall obey or may claim a jury.

On receiving such application, the Magistrate shall forthwith appoint a jury consisting of an uneven number of persons not less than five, of whom the foreman and one-half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant.

Constitution of jury.

The execution of the order shall be suspended pending such inquiry, and the Magistrate who issued the order or before whom the person appears shall be guided by the decision of the jury, which shall be according to the opinion of the majority.

Suspension of order.

If the applicant by neglect or otherwise prevents the appointment of a jury, or if from any cause the jury so appointed does not decide and report within a reasonable time to be fixed in the order for the appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate.

Procedure in case of non-appointment of or neglect by jury.

If from any of the above causes no decision be made by the jury, the order of the Magistrate may be carried into effect as hereinafter provided.

524. Such Magistrate may summon so many jurors as may be necessary, and such persons shall be bound to attend and make their inquiry and report.

Attendance of jury.

Any juror failing to attend or neglecting his duty as a juror shall be liable to be dealt with under section one hundred and seventy-four of the Indian Penal Code.

525. If the person to whom the order mentioned in section five hundred and twenty-one is issued does not obey such order,

or show cause against the same as hereinafter provided,

or apply for a jury within the time specified in such order,

he shall be liable to the penalty prescribed in that behalf in section one hundred and eighty-eight of the Indian Penal Code;

and the Magistrate who issued such order may proceed to carry it into execution at the expense of such person, and may realize such expenses, either by the sale of any building, goods, or other property removed by his order, or by the distress and sale of the moveable property of the person aforesaid within or without his jurisdiction. If the goods are without his jurisdiction, the order shall authorize their attachment and sale when endorsed by the Magistrate in whose jurisdiction the goods are attached.

Procedure in case of disobedience or neglect by person ordered.

No suit shall lie in respect of anything necessarily or reasonably done to give effect to such order.

526. If in a case referred to a jury, the jury find that the order of the Magistrate is reasonable and proper as originally made, or subject to a modification which the Magistrate accepts, the Magistrate who issued the order or before whom cause was shown shall give notice of such finding to the person to whom the order was issued, and shall add to such notice an order to obey the aforesaid order within a time to be fixed in the notice and an intimation that, in case of disobedience, he will be liable to the penalty provided by section one hundred and eighty-eight of the Indian Penal Code.

Procedure where jury finds Magistrate's order to be reasonable.

If such latter order is not obeyed, the Magistrate may proceed as in section five hundred and twenty-five.

Part XI, C. XXXIX & XL, ss. 528—535.

Procedure where person ordered satisfies Magistrate that order is not reasonable.

527. If the person to whom the order of the Magistrate is issued appears and shows cause against it so as to satisfy the Magistrate who issued it that it is not reasonable and proper, no further proceedings shall be taken in the case.

Injunction pending inquiry by jury.

528. If, pending the inquiry by a jury, the Magistrate who issued the order considers that immediate measures are necessary to be taken to prevent imminent danger or injury of a serious kind to the public, he may issue such an injunction to the person mentioned in that behalf in section five hundred and twenty-one, as is required to obviate or prevent such danger or injury.

In default of such person forthwith taking all necessary measures ordered to be taken by such injunction, the Magistrate may himself use or cause to be used such means as may be necessary to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything necessarily or reasonably done for that purpose.

Saving of certain statutory provisions.

529. Nothing in this chapter shall interfere with the provisions of section forty-eight of Act No. XXIV of 1859 *(for the better regulation of the police within the territories subject to the Presidency of Fort St. George)*, or of section thirty-four of Act No. V of 1861 *(for the regulation of Police)*, or of section sixteen of Act No. VIII of 1867 *(for the regulation of the District Police in the Presidency of Bombay)*, of the Governor of Bombay in Council.

CHAPTER XL.

POSSESSION.

Magistrate how to proceed if any dispute concerning land, &c., is likely to cause breach of the peace.

530. Whenever the Magistrate of the District, or Magistrate of a division of a District or Magistrate of the first class, is satisfied that a dispute, likely to induce a breach of the peace, exists concerning any land or the boundaries of any land, houses, water, fisheries, crops or other produce of land, within the limits of his jurisdiction, he shall record a proceeding stating the grounds of his being so satisfied, and shall call on all parties concerned in such dispute to attend his Court in person, or by agent, within a time to be fixed by such Magistrate, and to give in a written statement of their respective claims, as respects the fact of actual possession of the subject of dispute.

Party in possession to be continued until ousted by due course of law.

The Magistrate as aforesaid shall, without reference to the merits of the claims of any party to a right of possession, proceed to inquire and decide which party is in possession of the subject of dispute, or if the parties are in joint possession, what is the share of which each party is in possession.

After satisfying himself upon that point, he shall issue an order declaring the party or parties to be entitled to retain possession until ousted by due course of law, and forbidding all disturbance of possession until such time.

EXPLANATION.—The Magistrate may satisfy himself of the existence of a dispute likely to induce a breach of the peace from a report or other information, but the question of possession must be decided on evidence taken before him.

If previous possession cannot be ascertained, Magistrate may attach subject of dispute.

531. If such Magistrate decides that neither of the parties is in possession, or is unable to satisfy himself as to which person is in possession of the subject of dispute, he may attach it until a competent Civil Court shall have determined the rights of the parties or who ought to be in possession.

Disputes concerning right of use of land or water.

532. If a dispute arise concerning the right of use of any land or water, such Magistrate within whose jurisdiction the subject of dispute lies, may inquire into the matter; and if it appear to him that the subject of dispute is open to the use of the public, or of any person or of any class of persons, such Magistrate may order that possession thereof shall not be taken or retained by any one to the exclusion of the public, or of such person, or of such class of persons, as the case may be, until the person claiming such possession shall obtain the decision of a competent Court adjudging him to be entitled to such exclusive possession.

Provided that such Magistrate shall not pass any such order if the matter be such that the right of use is capable of being exercised at all times of the year, unless that right has been ordinarily exercised within three months from the date of the institution of the inquiry, or, in cases where the right of use exists at particular seasons, unless such right has been exercised during the last of such seasons before the complaint.

Local inquiry to determine boundary dispute.

533. Whenever a local inquiry is necessary for the purposes of this chapter, any Magistrate of the first class may depute any Magistrate subordinate to him to make the inquiry, and may furnish him with such instructions, consistent with the law for the time being in force, as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the inquiry shall be paid.

Power to restore possession of immoveable property.

534. Whenever in any Criminal Court any person is convicted of an offence attended with Criminal force, and it appears to such Court that by such Criminal force any person has been dispossessed of any immoveable property, the Court may order such person to be restored to possession.

No such order shall prejudice any right over such immoveable property which any person may be able to show in a civil suit.

Saving of powers of Collectors and Revenue Courts.

535. Nothing in this chapter shall affect the powers of a Collector or a person exercising the powers of a Collector or of a Revenue Court.

Parts XI & XII, C. XLI & XLII, s. 536—541.

CHAPTER XLI.

OF THE MAINTENANCE OF WIVES AND FAMILIES.

Order for maintenance of wives and children.

536. If any person having sufficient means, neglects or refuses to maintain his wife or legitimate or illegitimate child unable to maintain himself, the Magistrate of the District or a Magistrate of a division of a District or a Magistrate of the first class may, upon due proof thereof, order him to make a monthly allowance for the maintenance of his wife or such child at such monthly rate, not exceeding fifty rupees in the whole, as to such Magistrate seems reasonable.

Enforcement of order.

If such person wilfully neglects to comply with this order, such Magistrate may, for every breach of the order, by warrant, direct the amount due to be levied in the manner provided for levying fines; and may order him to be imprisoned with or without hard labor for any term not exceeding one month for each month's allowance remaining unpaid:

Proviso.

Provided that, if such person offers to maintain his wife on condition of her living with him, and his wife refuses to live with him, such Magistrate may consider any grounds of refusal stated by such wife; and may make the order allowed by this section notwithstanding such offer, if he is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

No wife shall be entitled to receive an allowance from her husband under this section, if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband.

Alteration in allowance.

537. On the application of any person receiving or ordered to pay a monthly allowance under the provisions of section five hundred and thirty-six, and on proof of a change in the circumstances of such person, his wife, or child, the Magistrate may make such alteration in the allowance ordered as he deems fit, provided the total sum of rupees fifty a month be not exceeded.

Enforcement of order.

538. A copy of the order of maintenance shall be given to the payee and shall be enforceable by any Magistrate in any place where the payer may be, on the Magistrate being satisfied as to the identity of the parties and the non-payment of the sum claimed.

PART XII.

MISCELLANEOUS PROVISIONS.

CHAPTER XLII.

MISCELLANEOUS.

Procedure in miscellaneous criminal cases and proceedings.

539. The procedure prescribed by this Act shall be followed, so far as it can be, in all miscellaneous criminal cases and proceedings which are instituted in any Court.

Saving of jurisdiction of Presidency Police Magistrates.

540. Nothing in this Act shall be held to alter or affect the jurisdiction or procedure of the Magistrates or Commissioners of Police, in the Presidency Towns except so far as this Act expressly provides for the same.

Saving of jurisdiction and procedure of Landholders, Heads of Villages, Village Police Officers, Cantonment Magistrates.

541. Nothing in this Act shall be held to alter or affect—

(*a*) the jurisdiction, or procedure of landholders specially empowered according to law in the Presidency of Bombay,

(*b*) the jurisdiction or procedure of the heads of villages in the Presidency of Fort Saint George,

(*c*) the jurisdiction, or procedure of village Police Officers in the Presidency of Bombay,

(*d*) the jurisdiction or procedure of any officer duly authorized and appointed under the laws in force in the Presidencies of Fort Saint George and Bombay respectively, for the trial of petty offences in military bazars at cantonments and stations occupied by the troops of those Presidencies respectively.

SCHEDULE I.

ENACTMENTS REPEALED.

PART I.—STATUTE.

Year and Chapter.	Title.	Extent of repeal.
53 Geo. iii, cap. clv.	An Act for continning in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter.	Section one hundred and five.

PART II.—ACTS.

Number and Year.	Subject or Title.	Extent of repeal.
XV of 1843	An Act for the more extensive employment of Uncovenanted Agency in the Judicial Department.	Sections three, four, five and six.
XV of 1845	An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of Judicial and Revenue proceedings.	So much as has not been repealed.
XXIX of 1845	An Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges.	So much as has not been repealed.
VII of 1853	An Act to extend the jurisdiction of Magistrates, under the 53rd Geo. iii, Cap. 155, Section 105, in cases of assaults, forcible entries, and other injuries accompanied with force, not being felonies.	The whole Act.
X of 1854	An Act for regulating the powers of Assistants to Magistrates, and of Deputy Magistrates appointed under Act XV of 1843.	So much as has not been repealed.

SCHEDULE I.

PART II.—ACTS.—(*continued.*)

Number and Year.	Title.	Extent of repeal.
XX of 1856	An Act to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs and Bazaars in the Presidency of Fort William in Bengal.	Section fifty-eight.
XXV of 1861	An Act for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	So much as has not been repealed.
XVII of 1862	An Act to repeal certain Regulations and Acts relating to Criminal Law and Procedure.	So much as has not been repealed.
VI of 1864	An Act to authorise the punishment of whipping in certain cases.	Sections eight, eleven and twelve.
XXVIII of 1867.	An Act to remove doubts as to the legality of certain sentences passed by tribunals, called Petty Sessions Courts, in the North-Western Provinces.	The whole Act.
XXXVI of 1867.	An Act to correct an error in Act No. XVII of 1862.	Ditto.
VIII of 1869	An Act further to amend the Code of Criminal Procedure.	Ditto.
XXVII of 1870.	To amend the Indian Penal Code.	Sections sixteen and seventeen, and the two schedules.
XIX of 1871	An Act to provide for the appointment of Sessions Judges in Bengal and the North-Western Provinces.	Sections one, two, three, four, five and six.

PART III.—REGULATIONS.

BENGAL REGULATIONS.

Number and Year.	Title.	Extent of repeal.
IX of 1793...	A Regulation for re-enacting, with Alterations and Modifications, the Regulations passed by the Governor General in Council on the 3rd December 1790, and subsequent Dates, for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors.	Sections three and thirty-four.
VI of 1810...	A Regulation for defining the penalties to which Zemindars and others shall be subject for neglecting to give due information of robberies and for harbouring robbers.	So much as has not been repealed.
XVI of 1810	A Regulation to amend the existing Rules for the Appointment of Zillah and City Magistrates; to provide for the Appointment of Joint and Assistant Magistrates; and to alter the provisions in force for the Payment of a fixed Reward on the Conviction of Public Offenders.	Ditto.
I of 1811 ...	A Regulation for making more adequate Provision for the punishment of persons found guilty of the Offence of breaking into Houses, Tents or Boats; for subjecting to exemplary Punishment Persons receiving or purchasing Plundered or Stolen Property; and for granting licenses to Gold or Silversmiths, Braziers or Coppersmiths, Ironsmiths, Pawnbrokers, retail Venders of Brass or Copper-wares, and Pykars or itinerant dealers in Second-hand Articles.	
III of 1812..	A Regulation for amending some of the Rules at present in force in regard to the conduct of inquiries into charges of a criminal nature, and for Establishing additional provisions with a view to the more effectual apprehension of Criminals.	Section four.
VIII of 1814	A Regulation for extending the Provision contained in Clause Second, Section IV, Regulation III, 1812, to cases of Murder, Arson and Theft.	So much as has not been repealed.
XX of 1817...	A Regulation for reducing into one Regulation, with Amendments and Modifications, the several Rules which have been passed for the Guidance of Darogahs and other Subordinate Officers of Police; for modifying the existing Rules concerning the Resistence or Evasion of Criminal Process, and for requiring further aid to the Police in certain cases, from Proprietors and Farmers of Land and their Local Managers, as well as from the Mundals and other Heads of Villages.	Section thirty-three, clause one.
XVII of 1829	A Regulation for declaring the practice of Suttee, or of Burning or Burying alive the Widows of Hindoos, illegal, and punishable by the Criminal Courts.	Section three, clause one from and including the words "and any zemindar" to the end of the clause. Clauses two and three.

MADRAS REGULATIONS.

Number and Year.	Title.	Extent of repeal.
IX of 1816...	A Regulation for reducing into one Regulation certain Rules which have been passed regarding the Office of the Zillah Magistrate, for modifying and defining his Powers, and for transferring the Office of Zillah Magistrate from the Judge to the Collector of the Zillah.	Sections three, four and five.
II of 1827 ...	A Regulation for constituting the Assistant Judges appointed under Regulation I, 1827, Joint Criminal Judges of the Zillahs in which they may be stationed, and for defining the Extent to which the Powers of Magistrate shall be exercised by Subordinate Collectors.	Section five.
VIII of 1827	A Regulation for granting to Native Judges Jurisdiction in Criminal Cases.	So much as has not been repealed.

SCHEDULE I.

PART III.—REGULATIONS.—(*continued.*)

Number and Year.	Title.	Extent of repeal.
I of 1830 ...	A Regulation for declaring the Practice of Suttee, or of burning or burying alive the widows of Hindoos, illegal, and punishable by the Criminal Courts.	The preamble. Section three, clause one, from "and any zemindar" to the end; clauses two and three. And sections four and five.
	BOMBAY REGULATIONS.	
XII of 1827...	A Regulation for the establishment of a system of Police throughout the Zillahs subordinate to Bombay, for providing Rules for its Administration, and for defining the Duties and Powers of all Police Authorities and Servants.	Section ten, clause four.
XIII of 1827	A Regulation for defining the Constitution of Courts of Criminal Justice, and the Functions and Proceedings thereof.	Sections one two, three seven, eight, nine, fourteen, clause four, fifteen, clause one. Sections twenty-seven and twenty-eight.
III of 1830...	A Regulation rescinding Regulations VIII and XII of 1828, and vesting the Criminal Judges with the Powers and Functions of Session Judges.	Sections two and six.
IV of 1830...	A Regulation rescinding such Parts of Regulation XII of 1827 as vest the Criminal Judge with Police Jurisdiction of the Magistrate and his Assistants.	Section two.

SCHEDULE II.—FORMS.

A.

FORM OF SUMMONS (*section* 152).

To *A. B.*, of

Whereas your attendance is necessary to answer to a charge of *(state shortly the offence charged)*: You are hereby required to appear in person or by authorized agent, as the case may be, before the [Magistrate] of on the day of . Herein fail not.

(Signature and Seal.)

Dated the day of

B.

FORM OF WARRANT (*section* 159).

To *(name and designation of the person or persons who are to execute the warrant).*

Whereas of stands charged with the offence of (*state the offence*): You are hereby directed to apprehend the said and produce him before me. Herein fail not.

(Signature and Seal.)

This warrant may be endorsed as follows:—

If the said shall give bail, himself in the sum of with one surety in the sum of (*or* two sureties each in the sum of) to appear before me on the day of he may be released.

(Signature.)

Dated

C.

FORM OF WARRANT OF COMMITMENT FOR INTERMEDIATE CUSTODY (*sections* 196, 197 *and* 303).

To Jailor of

Whereas of is charged with (*state the offence in respect of which the prisoner is charged*) and has been committed to take his trial before the Court of at

You are hereby required to receive the said into your custody and to produce him before the said Court when so required.

(Signature.)

(Office and powers.)

Dated

D.

FORM OF WARRANT OF COMMITMENT (*section* 303).

To Jailor of

Whereas of was convicted before me (*name and official designation*) of the offence of (*mention the offence quoting Act and section*) and was sentenced to (*state the punishment fully and distinctly, mentioning its nature and extent*); You are hereby required to receive the said into your custody in the said jail of together with this warrant, and there carry the aforesaid sentence into execution according to law.

(Signature.)

Dated the day of

E.

FORM OF BOND TO KEEP THE PEACE (*section* 493).

Whereas I inhabitant of have been called upon to enter into a bond to keep the peace for the term of , I hereby bind myself not to commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees.

(Signature.)

Dated

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above-said that he shall not commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of rupees.

(Signature.)

Dated

F.

FORM OF RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE (*sections* 130 and 360).

I of do hereby bind myself to appear at in the Court of at o'clock on the day of next and then and there to prosecute (*or as the case may be*, to prosecute and give evidence, *or* to give vidence) in the matter of a charge of against one *A. B.*, and to attend at the said Court from day to day or as I may be otherwise directed by the presiding officer; and in case of my making default herein, I bind myself to forfeit to Her Majesty the sum of rupees.

(Signature.)

Dated

G.

FORM OF BOND FOR GOOD BEHAVIOUR (*section* 509).

Whereas I inhabitant of have been called to enter into a bond to be of good behaviour to Her Majesty the Queen and to all her subjects, for the term of , I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term, and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees.

(Signature.)

Dated

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above-said that he shall be of good behaviour to Her Majesty and to all her subjects during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of rupees.

SCHEDULE III.

(I.)—CHARGES WITH ONE HEAD.

(*a.*) I [*name and office of Magistrate, &c.,*] hereby charge you [*name of accused person*] as follows:—

On Penal Code, section 121.

(*b.*) That you, on or about the day of at , waged war against the Queen, and thereby committed an offence punishable under section 121 of the Indian Penal Code, and within the cognizance of the Court of Session.

(*c.*) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and Seal of the Magistrate.*]

[*To be substituted for* (*b*).]

On section 124.

(2.) That you, on or about the day of at , with the intention of inducing the Honourable *A. B.*, Member of the Council of the Governor General of India, to refrain from exercising a lawful

power as such Member, assaulted such Member, and thereby committed an offence punishable under section 124 of the Indian Penal Code, and within the cognizance of the Court of Session.

(3.) That you, being a public servant in the Department, directly accepted from [*state the name*] for another party [*state the name*] a gratification, other than legal remuneration, as a motive for forbearing to do an official act, and thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 161.

(4.) That you, on or about the day of at , committed culpable homicide not amounting to murder, causing the death of , and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Section 304.

(5.) That you, on or about the day of at , abetted the commission of suicide by *A. B.*, a person in a state of intoxication, and thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Section 306.

(6.) That you, on or about the day of at , voluntarily caused grievous hurt to , and thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 325.

(7.) That you, on or about the day of at , committed robbery, an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 392.

(8.) That you, on or about the day of at , committed dacoity, an offence punishable under section 395 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 395.

(9.) That you, on or about the day of at did (or omitted to do, as the case may be) such conduct being contrary to the provisions of Act Section , and was known by you to be prejudicial to , and thereby committed an offence punishable under Section 166 of the Indian Penal Code and within the cognizance of the Court of Session.

On section 166.

(10.) That you, on or about the day of at in the course of the trial of before stated in evidence that " " which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under Section 193 of the Indian Penal Code and within the cognizance of the Court of Session.

On section 193.

In cases tried by Magistrates substitute "within my cognizance" for "within the cognizance of the Court of Session." In (*d*) omit "by the said Court."

(II.)—CHARGES WITH TWO OR MORE HEADS.

(*a*). I [*name and office of Magistrate, &c.,*] hereby charge you [*name of accused person*] as follows:—

(*b*). *First.*—That you, on or about the day of at , knowing a coin to be counterfeit, delivered the same to another person, by name *A. B.*, as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Penal Code, sections 241 and 242.

Secondly.—That you, on or about the day of at , knowing a coin to be counterfeit, attempted to induce another person, by name *A. B.*, to receive it as genuine, and thereby committed an offence punishable under section 242 of the Indian Penal Code, and within the cognizance of the Court of Session.

(*c*) and I hereby direct that you be tried by the said Court on the said charge.

[*Signature and Seal of the Magistrate.*]

For (*b*). *First.*—That you, on or about the day of at , committed murder by causing the death of , and thereby committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court of Session.

On sections 302 and 304.

Secondly.—That you, on or about the day of at , by causing the death of , committed culpable homicide, and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

For (*b*). *First.*—That you, on or about the day of at , committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session.

On sections 379 and 382.

Secondly.—That you, on or about the day of at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

Thirdly.—That you, on or about the day of at , committed theft, having made preparation for causing restraint to a person in order to the effecting of your escape after the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

Fourthly.—That you, on or about the day of at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

Alternative charges on section 193.

For (*b*). That you, on or about the day of at in the course of the inquiry into before stated in evidence that " " which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code and within the cognizance of the Court of Session.

and that you, on or about the day of at in the course of the trial of before stated in evidence that " " which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code and within the cognizance of the Court of Session.

In trials before Magistrates substitute "within my cognizance" for "within the cognizance of the Court of Session;" and omit "by the said Court."

SCHEDULE IV.

Explanatory Notes.—*1st.*—The entries in the 2nd and 6th columns of the schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code; or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the 1st column.

2nd.—The term "Whether bailable or not," in column 5, is to be taken in connection with the provisions of sections 388 and 389 of this Code.

3rd.—Offences may be tried by a Court superior to the Court specifically mentioned in column 7. For example, a Court of Session may try an offence entered in column 7 as triable by a Magistrate.

4th.—The words "any Magistrate," as used in column 7, shall include any Magistrate of the 1st or 2nd or 3rd class.

5th.—In the territories in British India to which the General Regulations of Bengal, Madras and Bombay do not extend, the powers given by this Act shall be exercised by such officers as the Local Government of those territories respectively shall appoint.

6th.—The last part of the schedule, headed "Offences against other Laws," shall not be taken to alter or affect any special provision contained in such laws regarding the procedure to be followed in the case of offences made punishable thereby.

7th.—Column 4 is meant to indicate to Magistrates the manner in which the discretion vested in them by sections 148, 149 and 150 is commonly to be used, but it is not to affect the definition of summons cases and warrant cases given in section 4.

CHAPTER V.—OF ABETMENT.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence abetted.	By the Court by which the offence abetted is triable.
110	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	Ditto -	Ditto -	Ditto -	Ditto - - - -	Ditto.

CHAPTER V.—OF ABETMENT—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
111	When one act is abetted and a different act is done, subject to the proviso.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence intended to be abetted.	By the Court by which the offence abetted is triable.
113	When an effect is caused by the act abetted different from that intended by the abettor.	Ditto -	Ditto -	Ditto -	The same punishment as for the offence committed.	Ditto.
114	If abettor is present when offence is committed.	Ditto -	Ditto -	Ditto -	Ditto - - - -	Ditto.
115	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto -	Ditto -	Not bailable	Imprisonment of either description for 7 years and fine.	Ditto.
	If an act which causes harm be done in consequence of the abetment.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 14 years and fine.	Ditto.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto -	Ditto -	Ditto -	Imprisonment extending to ¼ part of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.

	If the abettor or the person abetted be a public servant, whose duty is to prevent the offence.	Ditto -	Ditto -	Ditto -	Imprisonment extending to ½ of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
117	Abetting the commission of an offence by the public, or by more than ten persons.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years and fine.	Ditto.
	If the offence be not committed - -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years and fine.	Ditto.
119	A public servant concealing a design to commit an offence, which it is his duty to prevent, if the offence be committed.	Ditto -	Ditto -	According as the offence abetted is bailable or not.	Imprisonment extending to ½ of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation.	Ditto -	Ditto -	Not bailable-	Imprisonment of either description for 10 years.	Ditto.
	If the offence be not committed - -	Ditto -	Ditto -	According as the offence abetted is bailable or not.	Imprisonment extending to ¼ part of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto -	Ditto -	Ditto -	Imprisonment extending to ¼ part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto.
	If not committed - - -	Ditto -	Ditto -	Ditto -	Imprisonment extending to ⅛ part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto.

CHAPTER VI.—OFFENCES AGAINST THE STATE.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
121	Waging or attempting to wage war, or abetting the waging of war against the Queen.	Shall not arrest without warrant.	Warrant	Not bailable	Death, or transportation for life, and forfeiture of property.	Court of Session.
121A	Conspiring to commit certain offences against the State.	Ditto	Ditto	Ditto	Transportation for life or any shorter term, or imprisonment of either description for ten years.	Ditto.
122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for 10 years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war.	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, and fine.	Ditto.
124	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years and fine.	Ditto.
124A	Exciting, or attempting to excite, disaffection	Ditto	Ditto	Ditto	Transportation for life or for any term and fine, or imprisonment of either description for three years and fine, or fine.	Ditto.
125	Waging war against any Asiatic power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto	Ditto	Ditto	Transportation for life and fine, or imprisonment of either description for 7 years, and fine, or fine.	Ditto.

126	Committing depredation on the territories of any power in alliance or at peace with the Queen.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine, and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Ditto -	Ditto -	Ditto -	Ditto - - - -	Ditto.
128	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	Ditto -	Ditto -	Ditto -	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
129	Public servant negligently suffering prisoner of State or War in his custody to escape.	Ditto -	Ditto -	Bailable -	Simple imprisonment for three years, and fine.	Court of Session, or Magistrate of 1st class.
130	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto -	Ditto -	Not bailable-	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

131	Abetting mutiny, or attempting to seduce an officer, soldier, or sailor from his allegiance or duty.	May arrest without warrant.	Warrant -	Not bailable-	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
132	Abetment of mutiny if mutiny is committed in consequence thereof.	Ditto -	Ditto -	Ditto -	Death or transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
133	Abetment of an assault by an officer, soldier, or sailor on his superior officer when in the execution of his office.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st class.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
134	Abetment of such assault, if the assault is committed.	May arrest without warrant.	Warrant	Not bailable	Imprisonment of either description for 7 years, and fine.	Court of Session.
135	Abetment of the desertion of an officer, soldier, or sailor.	Ditto	Ditto	Bailable	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the 1st or 2nd class.
136	Harbouring such an officer, soldier, or sailor who has deserted.	Ditto	Ditto	Ditto	Ditto	Ditto.
137	Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons	Ditto	Fine of 500 rupees	Ditto.
138	Abetment of act of insubordination by an officer, soldier, or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant	Ditto	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto	Summons	Ditto	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILITY.

143	Being member of an unlawful assembly	May arrest without warrant.	Summons	Bailable	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.

144	Joining an unlawful assembly armed with any deadly weapon.	Ditto -	Warrant -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
147	Rioting - - - -	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
148	Rioting armed with a deadly weapon -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st class.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	The same as for the offence -	By the Court by which the offence is triable.
150	Hiring, engaging, or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged, or employed.	Ditto -	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Ditto -	Summons -	Bailable -	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot, &c.	Ditto -	Warrant -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st class.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILITY—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	May arrest without warrant.	Warrant	Bailable	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed	Ditto	Summons	Ditto	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	Ditto	Ditto	Fine of 1,000 rupees	Magistrate of the 1st or 2nd class.
155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto	Ditto	Ditto	Fine	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto	Ditto	Ditto	Ditto	Ditto.
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto	Ditto	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
158	Being hired to take part in an unlawful assembly or riot.	Ditto	Ditto	Ditto	Ditto	Ditto.
	Or to go armed	Ditto	Warrant	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

160	Committing affray - - -	Shall not arrest without warrant.	Summons -	Ditto -	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Any Magistrate.

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the 1st class.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the 1st class.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the 1st class.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 2 years, or fine, or both.	Magte. of the 1st or 2nd class.
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 1 year, or fine, or both.	Ditto.
167	Public servant framing an incorrect document with intent to cause injury.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the 1st class.

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
168	Public servant unlawfully engaging in trade -	Shall not arrest without warrant.	Summons -	Bailable -	Simple imprisonment for 1 year, or fine, or both.	Magistrate of 1st class.
169	Public servant unlawfully buying or bidding for property.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant - -	May arrest without warrant.	Warrant -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto -	Summons -	Ditto -	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons -	Bailable -	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Magte. of the 1st or 2nd class.
	If summons, &c., require attendance in person in a Court of Justice.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If the order require personal attendance, &c., in a Court of Justice.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Court in which the offence is committed, subject to the provisions of Chapter XXXII of this Code, or if not committed in a Court, a Magistrate of the 1st or 2nd class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Shall not arrest without warrant.	Summons -	Bailable -	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Magistrate of the 1st or 2nd class.
	If the notice or information required respects the commission of an offence, &c.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
177	Knowingly furnishing false information to a public servant.	Ditto -	Ditto -	Ditto -	Ditto - - - -	Ditto.
	If the information required respects the commission of an offence, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
178	Refusing oath when duly required to take oath by a public servant.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions of Chapter XXXII of this Code, or if not committed in a Court, a Magistrate of the 1st or 2nd class.

179	Being legally bound to state truth, and refusing to answer questions.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto -	Warrant -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st class.
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto -	Summons -	Ditto -	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the 1st or 2nd Class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Ditto.
185	Bidding by a person under a legal incapacity to purchase it for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 1 month, or fine of 200 rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Shall not arrest without warrant.	Summons	Bailable	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	Magistrate of the 1st or 2nd class.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Ditto	Ditto	Ditto	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
	If such disobedience causes danger to human life, health or safety, &c.	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto	Ditto	Ditto	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.	Warrant	Bailable	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate, 1st class.

	Giving or fabricating false evidence in any other case.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine	Ditto.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto -	Ditto -	Not bailable	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
	If innocent person be thereby convicted and executed.	Ditto -	Ditto -	Ditto -	Death, or as above -	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Ditto -	Ditto -	Ditto -	The same as for the offence -	Ditto.
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto -	Ditto -	According as the offence of giving such evidence is bailable or not.	The same as for giving or fabricating false evidence.	Court of Session or Magistrate, 1st class.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto -	Ditto -	Bailable -	The same as for giving false evidence	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto -	Ditto -	Ditto -	Ditto -	Ditto.
199	False statement made in any declaration which is by law received as evidence.	Ditto -	Ditto -	Ditto -	Ditto -	Ditto.
200	Using as true any such declaration known to be false.	Ditto -	Ditto -	Ditto -	Ditto -	Ditto.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Shall not arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with transportation, or imprisonment for ten years.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the 1st class
	If punishable with less than 10 years' imprisonment.	Ditto -	Ditto -	Ditto -	Imprisonment for quarter of the longest term, and of the description provided for the offence, or fine, or both.	By the Magt. of the 1st class or by the Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto -	Summons -	Ditto -	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the 1st or 2nd class.
203	Giving false information respecting an offence committed.	Ditto -	Warrant -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto -	Ditto -	Ditto -	Ditto - - -	Magistrate of the 1st class.

205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the 1st class.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the 1st or 2nd class.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto -	Ditto -	Ditto -	Ditto - - -	Magistrate of the 1st class.
209	False claim in a Court of Justice -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, and fine.	Ditto.
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
211	False charge of offence made with intent to injure.	Ditto -	Ditto -	Ditto -	Ditto - -	Ditto.
	If offence charged be capital or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Court of Session.
212	Harbouring an offender if the offence be capital.	May arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 5 years, and fine.	Court of Session or Magistrate, 1st class.

K 1

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—continued.

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If punishable with transportation for life, or with imprisonment for 10 years.	May arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the 1st class.
	If punishable with imprisonment for 1 year, and not for 10 years.	Ditto -	Ditto -	Ditto -	Imprisonment for ¼ of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the 1st class, or by the Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st class.
	If with imprisonment for less than 10 years ...	Ditto -	Ditto -	Ditto -	Imprisonment for ¼ of the longest term, and of the description provided for the offence, or fine, or both.	By a Magistrate of the 1st class, or by the Court by which the offence is triable.

214	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the 1st class.
	If with imprisonment for less than 10 years ...	Ditto -	Ditto -	Ditto -	Imprisonment for $\frac{1}{4}$ of the longest term, and of the description provided for the offence, or fine, or both.	By a Magte. of the 1st class, or by the Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the 1st class.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Court of Session or Magistrate of the 1st class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Ditto.
	If with imprisonment for 1 year and not for 10 years.	Ditto -	Ditto -	Ditto	Imprisonment for $\frac{1}{4}$ of the longest term, and of the description provided for the offence, or fine, or both.	By a Magte. of the 1st class, or by the Court by which the offence is triable.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
217	Public servant disobeying a direction of law with intent to save persons from punishment, of property from forfeiture.	Shall not arrest without warrant.	Summons	Bailable	Imprisonment of either description for 2 years, or fine, or both.	Magte. of the 1st or 2nd class.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto	Warrant	Ditto	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision which he knows to be contrary to law.	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Ditto	Ditto	Ditto	Ditto	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If punishable with transportation for life, or imprisonment for 10 years.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, with or without fine.	Court of Session or Magistrate of the 1st class.

	If with imprisonment for less than 10 years -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, with or without fine.	Magte. of the 1st or 2nd class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto -	Ditto -	Not bailable -	Transportation for life, or imprisonment of either description for 14 years, with or without fine.	Court of Session.
	If under sentence of transportation for life, or imprisonment or penal servitude for 10 years or upwards.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If under sentence of imprisonment for less than 10 years.	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st class.
223	Escape from confinement negligently suffered by a public servant.	Ditto -	Summons -	Ditto -	Simple imprisonment for 2 years, or fine, or both.	Magte. of the 1st or 2nd class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant -	Warrant -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for 10 years.	Ditto -	Ditto -	Not bailable -	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the 1st class.
	If charged with a capital offence - -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, or fine.	Court of Session.
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for 10 years or upwards.	Ditto -	Ditto -	Ditto -	Ditto - - - -	Ditto.

L 1

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If under sentence of death - -	May arrest without warrant.	Warrant -	Not bailable-	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
225A.	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	Ditto -	Ditto -	Bailable -	Imprisonment of either description for one year, or fine, or both.	Magistrate of 1st or 2nd class.
226	Unlawful return from transportation -	Ditto -	Ditto -	Not bailable-	Transportation for life, and fine and rigorous imprisonment for 3 years before transportation.	Court of Session.
227	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons -	Ditto -	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	By the Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto -	Ditto -	Bailable -	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions contained in Chapter XXXII of this Code.

229	Personation of a juror or assessor -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of 1st class.

CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting or performing any part of the process of counterfeiting Coin.	May arrest without warrant.	Warrant -	Not bailable-	Imprisonment of either description for 7 years, and fine.	Court of Session.
232	Counterfeiting or performing any part of the process of counterfeiting the Queen's Coin.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.
233	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st class.
234	Making, buying, or selling instrument for the purpose of counterfeiting the Queen's Coin.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st class.
	If Queen's Coin - - -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Court of Session.
236	Abetting in India the counterfeiting out of British India of Coin.	Ditto -	Ditto -	Ditto -	The punishment provided for abetting the counterfeiting of such coin within British India.	Ditto.
237	Import or export of counterfeit Coin knowing the same to be counterfeit.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st class.

CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
238	Import or export of counterfeits of the Queen's Coin, knowing the same to be counterfeit.	May arrest without warrant.	Warrant	Not bailable	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
239	Having any counterfeit Coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto	Ditto	Ditto	Imprisonment of either description for 5 years, and fine.	Court of Session, or Magistrate of the 1st class.
240	The same with respect to the Queen's Coin	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, and fine.	Ditto.
241	Knowingly delivering to another any counterfeit Coin as genuine which when first possessed the deliverer did not know to be counterfeit.	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both.	Magistrate of the 1st or 2nd class.
242	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st class.
243	Possession of Queen's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the 1st class.

244	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Ditto -	Ditto -	Ditto -	Ditto - - -	Court of Session.
245	Unlawfully taking from a Mint any coining instrument.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any Coin.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the 1st class.
247	Fraudulently diminishing the weight or altering the composition of the Queen's Coin.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years and fine.	Ditto.
248	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years and fine.	Ditto.
249	Altering appearance of the Queen's Coin with intent that it shall pass as a Coin of a different description.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years and fine.	Ditto.
250	Delivery to another of Coin possessed with the knowledge that it is altered.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 5 years and fine.	Ditto.
251	Delivery of Queen's Coin possessed with the knowledge that it is altered.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.
252	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years and fine.	Ditto.
253	Possession of Queen's Coin by a person who knew it to be altered when he became possessed thereof.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 5 years, and fine.	Ditto.

M 1

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
254	Delivery to another of Coin as genuine, which, when first possessed, the deliverer did not know to be altered.	May arrest without warrant.	Warrant	Not bailable	Imprisonment of either description for 2 years, or fine of ten times the value of the Coin.	Magte. of the 1st or 2nd class.
255	Counterfeiting a Government stamp	Ditto	Ditto	Bailable	Imprisonment of either description for 10 years, and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Ditto.
257	Making, buying, or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto	Ditto	Ditto	Ditto	Ditto.
258	Sale of counterfeit Government stamp	Ditto	Ditto	Ditto	Ditto	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto	Ditto	Ditto	Ditto	Court of Session, or Magistrate of the 1st class.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, or fine, or both.	Ditto.

262	Using a Government stamp known to have been before used.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Magte. of the 1st or 2nd class.
263	Erasure of mark denoting that stamp has been used.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st class.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

264	Fraudulent use of false instrument for weighing	Shall not arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 1 year, or fine, or both.	Magte. of the 1st or 2nd class.
265	Fraudulent use of false weight or measure -	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 6 months, or fine, or both.	Magte. of the 1st or 2nd class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
271	Knowingly disobeying any quarantine rule	Shall not arrest without warrant.	Summons	Bailable	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the 1st or 2nd class.
272	Adulterating food or drink for man, intended for sale, so as to make the same noxious.	Ditto	Ditto	Ditto	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
273	Selling any food or drink as food and drink for man knowing the same to be noxious.	Ditto	Ditto	Ditto	Ditto	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto	Ditto	Ditto	Ditto	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto	Ditto	Ditto	Ditto	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto	Ditto	Ditto	Ditto	Ditto.
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Ditto	Ditto	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

278	Making atmosphere noxious to health -	Shall not arrest without warrant.	Ditto -	Ditto -	Fine of 500 rupees - -	Ditto.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto -	Ditto -	Ditto -	Ditto - - -	Magistrate of the 1st or 2nd class.
281	Exhibition of a false light, mark, or buoy -	Ditto -	Warrant -	Ditto -	Imprisonment of either description for 7 years, or fine or both.	Court of Session.
282	Conveying for hire any person by water in a vessel in such a state, or so loaded, as to endanger his life.	Ditto -	Summons -	Ditto -	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the 1st or 2nd class.
283	Causing danger, obstruction, or injury in any public way or line of navigation.	Ditto -	Ditto -	Ditto -	Fine of 200 rupees - -	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest without warrant.	Ditto -	Ditto -	Ditto - - -	Any Magistrate.
286	So dealing with any explosive substance -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
287	So dealing with any machinery - -	Shall not arrest without warrant.	Ditto -	Ditto -	Ditto - - -	Magistrate of the 1st or 2nd class.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
288	A person omitting to guard against probable danger to human life by the fall of any building, over which he has a right entitling him to pull it down or repair it.	Shall not arrest without warrant.	Summons	Bailable	Imprisonment of either description, or fine of Rs. 1,000, or both.	Magistrate of the 1st or 2nd class.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt from such animal.	May arrest without warrant.	Ditto	Ditto	Ditto	Any Magistrate.
290	Committing a public nuisance	Shall not arrest without warrant.	Ditto	Ditto	Fine of 200 rupees	Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto	Ditto	Simple imprisonment for 6 months, or fine, or both.	Magistrate of the 1st or 2nd class.
292	Sale, &c., of obscene books, &c.	Ditto	Warrant	Ditto	Imprisonment of either description for 3 months, or fine, or both.	Ditto.
293	Having in possession obscene book, &c., for sale or exhibition.	Ditto	Ditto	Ditto	Ditto	Ditto.
294	Obscene songs	Ditto	Ditto	Ditto	Ditto	Ditto.

294A	Keeping a lottery office - -	Shall not arrest without warrant.	Summons -	Ditto -	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries -	Ditto -	Ditto -	Ditto -	Fine of 1,000 rupees - -	Ditto.

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the 1st class.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 1 year, or fine, or both.	Ditto.
297	Trespassing in a place of worship or sepulture, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feeling.	Shall not arrest without warrant.	Ditto -	Ditto -	Ditto - - -	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Offences affecting life.

302	Murder - - - -	May arrest without warrant.	Warrant -	Not bailable	Death, transportation for life, and fine	Court of Session.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—continued.

Offences affecting life—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
303	Murder by a person under sentence of transportation for life.	May arrest without warrant.	Warrant	Not Bailable	Death	Court of Session.
304	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
304A	Causing death by negligence	Ditto	Ditto	Bailable	Imprisonment of either description for two years, or fine, or both.	Court of Session, or Magistrate of the 1st class.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	Ditto	Ditto	Not bailable	Death, or transportation for life, or imprisonment for 10 years, and fine.	Court of Session.
306	Abetting the commission of suicide	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, and fine.	Ditto.
307	Attempt to murder	Ditto	Ditto	Ditto	Ditto	Ditto.
	If such act cause hurt to any person	Ditto	Ditto	Ditto	Transportation for life, or as above	Ditto.

308	Attempt to commit culpable homicide -	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
	If such act cause hurt to any person -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
309	Attempt to commit suicide - -	Ditto -	Ditto -	Ditto -	Simple imprisonment for 1 year, and fine.	Magistrate of the 1st or 2nd class.
311	Being a thug - - - -	Ditto -	Ditto -	Not bailable-	Transportation for life, and fine -	Court of Session.

Of the causing of Miscarriage; of injuries to unborn children; of the exposure of infants; and of the concealment of births.

312	Causing miscarriage - - -	Shall not arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
	If the woman be quick with child - -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto.
313	Causing miscarriage without woman's consent-	Ditto -	Ditto -	Not bailable-	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.
	If act done without woman's consent -	Ditto -	Ditto -	Ditto -	Transportation for life, or as above -	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.

10

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY—continued.

Of the causing of Miscarriage; of injuries to unborn children; of the exposure of infants; and of the concealment of births—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
317	Exposure of a child under 12 years by parent or person having care of it with intention of wholly abandoning it.	May arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
318	Concealment of birth by secret disposal of dead body.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Court of Session, or Magistrate of the 1st or 2nd class.
	Of Hurt.					
323	Voluntarily causing hurt - -	Shall not arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st or 2nd class.
325	Voluntarily causing grievous hurt - -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto.

326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto -	Ditto -	Not bailable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session, or Magistrate of the 1st class.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto -	Warrant -	Ditto -	Imprisonment of either description for 10 years, and fine.	Court of Session.
328	Administering stupefying drug with intent to cause hurt.	Ditto -	Ditto -	Ditto -	Ditto - - - -	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto -	Ditto -	Ditto -	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 7 years, and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto -	Ditto -	Not bailable-	Imprisonment of either description for 10 years, and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st class.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto -	Ditto -	Not bailable-	Imprisonment of either description for 10 years, and fine.	Court of Session.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Ditto -	Summons -	Bailable -	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Any Magistrate.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—continued.

Of Hurt—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	Court of Session, or Magistrate of the 1st or 2nd class.
336	Doing any act which endangers human life or the personal safety of others.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 6 months, or fine of 500 rupees, or both.	Magistrate of the 1st or 2nd class.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both.	Ditto.

Of wrongful Restraint and wrongful Confinement.

341	Wrongfully restraining any person -	May arrest without warrant.	Summons -	Bailable -	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
342	Wrongfully confining any person -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Magistrate of the 1st or 2nd class.

343	Wrongfully confining for three or more days -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
344	Wrongfully confining for ten or more days -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st or 2nd class.
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	Ditto.
346	Wrongful confinement in secret - -	May arrest without warrant.	Ditto -	Ditto -	Ditto - - -	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Ditto.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto -	Ditto -	Ditto -	Ditto - - -	Court of Session or Magistrate of the 1st class.

Of Criminal Force and Assault.

352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the 1st or 2nd class.
354	Assault or criminal force to a woman with intent to outrage her modesty.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.

P 1

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—continued

Of Criminal Force and Assault—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
355	Assault or criminal force with intent to dishonor a person otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons	Bailable	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the 1st or 2nd class.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant	Not bailable	Ditto	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto	Ditto	Bailable	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons	Ditto	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

Of Kidnapping, Forcible Abduction, Slavery, and forced Labour.

363	Kidnapping	May arrest without warrant.	Warrant	Not bailable	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the 1st class.
364	Kidnapping or abducting in order to murder	Ditto	Ditto	Ditto	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.

365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto -	Ditto -	Ditto -	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto.
370	Buying or disposing of any person as a slave -	Shall not arrest without warrant.	Ditto -	Bailable -	Ditto - - -	Ditto.
371	Habitual dealing in slaves - -	May arrest without warrant.	Ditto -	Not bailable-	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
372	Selling or letting to hire a minor for the purpose of prostitution.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Court of Session, or Magistrate of the 1st class.
373	Buying or obtaining possession of a minor for the same purpose.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
374	Unlawful compulsory labour - -	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
376	Rape - - - -	Ditto -	Ditto -	Not bailable -	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—concluded.

Of Unnatural Offences.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
377	Unnatural offences - - -	May arrest without warrant.	Warrant -	Not bailable -	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft - - - -	May arrest without warrant.	Warrant -	Not bailable -	Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate.
380	Theft in a building, tent, or vessel -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto.
381	Theft by Clerk or servant of property in possession of master or employer.	Ditto -	Ditto -	Ditto -	Ditto - - -	Court of Session, or Magistrate of the 1st or 2nd class.

382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Ditto -	Ditto -	Ditto -	Rigorous imprisonment for 10 years, and fine.	Court of Session.

Of Extortion.

384	Extortion - - - - -	Shall not arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st or 2nd class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
386	Extortion by putting a person in fear of death or grievous hurt.	Ditto -	Ditto -	Not bailable-	Imprisonment of either description for 10 years, and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.
	If the offence threatened be an unnatural offence	Ditto -	Ditto -	Ditto -	Transportation for life - -	Ditto.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—continued.

Of Extortion—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
389	Putting person in fear of accusation of offence punishable with death, transportation for life, or imprisonment for 10 years, in order to commit extortion.	Shall not arrest without warrant.	Warrant -	Not bailable -	Imprisonment of either description for 10 years, and fine.	Court of Session.
	If the offence be an unnatural offence -	Ditto -	Ditto -	Ditto -	Transportation for life - -	Ditto.

Of Robbery and Dacoity.

392	Robbery - - - -	May arrest without warrant.	Warrant -	Not bailable-	Rigorous imprisonment for 10 years, and fine.	Court of Session, or Magistrate of the 1st class.
	If committed on the highway between sunset and sunrise.	Ditto -	Ditto -	Ditto -	Rigorous imprisonment for 14 years, and fine.	Ditto.
393	Attempt to commit robbery - -	Ditto -	Ditto -	Ditto -	Rigorous imprisonment for 7 years, and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Ditto -	Ditto -	Ditto -	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
395	Dacoity - - - -	Ditto -	Ditto -	Ditto -	Ditto - - -	Court of Session.

396	Murder in dacoity - - -	Ditto -	Ditto -	Ditto -	Death, transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
397	Robbery or dacoity with attempt to cause death or grievous hurt.	Ditto -	Ditto -	Ditto -	Rigorous imprisonment for not less than 7 years.	Ditto.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
399	Making preparation to commit dacoity -	Ditto -	Ditto -	Ditto -	Rigorous imprisonment for 10 years, and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto -	Ditto -	Ditto. -	Transportation for life, or as above -	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto -	Ditto -	Ditto -	Rigorous imprisonment for 7 years, and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.

Of Criminal Misappropriation of Property.

403	Dishonest misappropriation of moveable property or converting it to one's own use.	Shall not arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st or 2nd class.
	If by clerk or person employed by deceased -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—continued.

Of Criminal Breach of Trust.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
406	Criminal breach of trust - -	May arrest without warrant.	Warrant -	Not bailable-	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st or 2nd class.
407	Criminal breach of trust by a carrier, wharfinger, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years and fine.	Court of Session, or Magistrate of the 1st class.
408	Criminal breach of trust by a clerk or servant-	Ditto -	Ditto -	Ditto -	Ditto - - - -	Court of Session, or Magistrate of the 1st or 2nd Class.
409	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Shall not arrest without warrant.	Ditto -	Ditto -	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session, or Magistrate of the 1st class.

Of the receiving of Stolen Property.

411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant -	Not bailable-	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st or 2nd class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto -	Ditto -	Ditto -	Transportation for life, or imprisonment for 10 years, and fine.	Court of Session.

413	Habitually dealing in stolen property -	Ditto -	Ditto -	Ditto -	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
414	Assisting in concealment or disposal of stolen property knowing it to be stolen.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st or 2nd class.

Of Cheating.

417	Cheating - - - - -	Shall not arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the 1st or 2nd class.
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st or 2nd class.
419	Cheating by personation - -	Ditto -	Ditto -	Ditto -	Ditto - - - -	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the alteration or destruction of a valuable security.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years and fine.	Court of Session, or Magistrate of the 1st class.

Of Fraudulent Deeds and Dispositions of Property.

421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the 1st or 2nd class.

R 1

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—continued.

Of Fraudulent Deeds and Dispositions of Property—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Shall not arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for two years, or fine, or both.	Magistrate of the 1st or 2nd class.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
	Of Mischief.					
426	Mischief - - - -	Shall not arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate.
427	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	Ditto -	Warrant -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the 1st or 2nd class.
428	Mischief by killing, poisoning, maiming or rendering useless, any animal of the value of 10 rupees or upwards.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.

429	Mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, or Magistrate of the 1st or 2nd class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	May arrest without warrant.	Ditto -	Ditto -	Ditto - - - -	Ditto.
431	Mischief by injury to public road, bridge, river, or navigable channel, and rendering it impassable or less safe for travelling, or conveying property.	Ditto -	Ditto -	Ditto -	Ditto - - - -	Ditto.
432	Mischief by causing inundation or obstruction to public drainage attended with damage.	Ditto -	Ditto -	Ditto -	Ditto - - - -	Ditto.
433	Mischief by destroying or moving or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
434	Mischief by destroying or moving, &c., a landmark fixed by public authority.	Shall not arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 1 year, or fine, or both.	Magte. of the 1st or 2nd class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 rupees or upwards.	May arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Court of Session.
436	Mischief by fire or explosive substance with intent to destroy a house, &c.	Ditto -	Ditto -	Not bailable-	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—continued.

Of Mischief—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
438	The mischief described in the last section when committed by fire or any explosive substance.	May arrest without warrant.	Warrant -	Not bailable-	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
439	Running vessel ashore with intent to commit theft, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.
440	Mischief committed after preparation made for causing death or hurt, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 5 years, and fine.	Ditto.

Of Criminal Trespass.

447	Criminal trespass - - -	May arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
448	House-trespass - - -	Ditto -	Warrant -	Ditto -	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto -	Ditto -	Not bailable-	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.

429	Mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, &c.,	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, or M...
	If the offence is theft - - -	...tto -	Ditto -	Not bailable-	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the 1st or 2nd class.
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto -	Ditto -	Ditto -	Ditto - - - -	Ditto.
453	Lurking house-trespass or house-breaking -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, and fine.	Magte. of the 1st or 2nd class.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st or 2nd class.
	If the offence is theft - - -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto -	Ditto -	Ditto -	Ditto - - - -	Court of Session, or Magistrate of the 1st class.
456	Lurking house-trespass or house-breaking by night.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st or 2nd class.

s 1

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—concluded.

Of Criminal Trespass—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	May arrest without warrant.	Warrant -	Not bailable-	Imprisonment of either description for 5 years, and fine.	Court of Session, or Magistrate of 1st or 2nd class.
	If the offence is theft - - - -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 14 years, and fine.	Ditto.
458	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Ditto -	Ditto -	Ditto -	Ditto - - - -	Court of Session, or Magistrate of the 1st class.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto -	Ditto -	Ditto -	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto -	Ditto -	Ditto -	Ditto - - - -	Ditto.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the 1st or 2nd class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto -	-	Ditto -	Imprisonment of either description ars, or fine, or both.	Court of Session, or Magistrate of

CHAPTER XVIII.—OF OFFENCES RELATING

					2 years, and	
465	Forgery	Shall not arrest without warrant.	Ditto	Not bailab	Imprisonment of either description for 2 years, or fine, or both.	Court of Session.
466	Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant.	Ditto		Not bailable	Imprisonment of either description for 7 years, and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	Ditto	Ditto	Ditto	Ditto.
468	Forgery for the purpose of cheating	Shall not arrest without warran.	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Ditto.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto	Ditto	Bailable	Imprisonment of either description for 3 years, and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto	Ditto	Ditto	Punishment for forgery	Ditto.
	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Ditto	Not bailable	Ditto	Ditto.
472	Making or conterfeiting a seal plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code; or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Ditto	Ditto	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.

CHAPTER XVIII.—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of Indian Penal Code, or possessing with like intent any such seal, &c.	Shall not arrest without warrant.	Warrant -	Not bailable-	Imprisonment of either description for 7 years, and fine.	Court of Session.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
	If the document is a valuable security or will -	Ditto -	Ditto -	Ditto -	Transportation for life, or as above -	Ditto.
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked ma-	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto.
				Ditto -	Transportation for life, or imprisonment of either description for 7 yea[illegible] d fine.	Ditto.

CHAPTER XVIII.—OF OFFENCES R

482	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant	Bailable	Imprisonment of either description for 1 year, or fine, or both.	Magte. of the 1st or 2nd class.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto	Summons	Ditto	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st class.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
486	Knowingly selling goods marked with a counterfeit property or trade-mark.	Ditto	Ditto	Ditto	Imprisonment of either description for 1 year, or fine, or both.	Magte. of the 1st or 2nd class.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st or 2nd class.
488	Making use of any such false mark	Ditto	Ditto	Ditto	Ditto	Ditto.
489	Removing, destroying, or defacing, any property-mark with intent to cause injury.	Ditto	Ditto	Ditto	Imprisonment of either description for 1 year, or fine, or both.	Magte. of the 1st or 2nd class.

CHAPTER XIX.—OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Magte. of the 1st or 2nd class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both.	Ditto.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him, in that belief.	Shall not arrest wit[illegible]	Warrant -	Not bailable -	Imprisonment of either description for 10 years [illegible]d fine.	Court of Session.

494	Marrying again during the life-time of husband or wife.	ES R			7 years, and	
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Ditto -	Ditto -	Not bailable -	Imprisonment of either description for 10 years, and fine.	Ditto.
496	A person with fraudulent intention going through the ceremony of being married knowing that he is not thereby lawfully married.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto.
497	Adultery - - - - -	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 5 years, or fine, or both.	Ditto.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Magte. of the 1st or 2nd class.

CHAPTER XXI—OF DEFAMATION.

500	Defamation - - - - -	Shall not arrest without warrant.	Warrant -	Bailable -	Simple imprisonment for 2 years, or fine, or both.	Court of Session, or Magistrate of the 1st class.
501	Printing or engraving matter knowing it to be defamatory.	Ditto -	Ditto -	Ditto -	Ditto - - - -	Ditto.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto -	Ditto -	Ditto -	Ditto - - - -	Ditto.

CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 2 years, or fine, or both.	Any Magte.

CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
505	False statement, rumours, &c., circulated with intent to cause mutiny or offences against the public peace.	Shall not arrest without warrant.	Warrant -	Not bailable -	Imprisonment of either description for 2 years, or fine, or both.	Magte. of the 1st class.
506	Criminal intimidation - - -	Ditto -	Ditto -	Bailable -	Ditto - - -	Magte. of the 1st or 2nd class.
	If threat be to cause death or grievous hurt, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, or fine, or both.	Court of Session, or Magistrate of the 1st class.
507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, in addition to the punishment under above section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the 1st class.
509	Uttering any word or making any gesture intended to insult the modesty of a woman.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 1 year, or fine, or both.	Ditto.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 24 hours, [illegible] rupees, or both.	Any Magis-

	life-time of [illegible]					
511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	A[illegible] the offence is one in respect of which the Police may arrest without warrant or not.	[illegible]e is in respect of which a summons or warrant shall ordinarily issue.	the offence contemplated by the offender is bailable or not.	[illegible] or imprisonment not exceeding half of the longest term and of the description provided for the offence, or fine, or both.	B[illegible] by which the offence attempted is triable.

OFFENCES AGAINST OTHER LAWS.

If punishable with death, transportation, or imprisonment for seven years or upwards.	May arrest without warrant.	Warrant -	Not bailable-	.....	According to the provisions of section eight of this Code.
If punishable with imprisonment for three years and upwards but less than seven.	Ditto -	Ditto -	Ditto -	.....	
If punishable with imprisonment for less than three years.	Shall not arrest without warrant.	Summons -	Bailable -	.....	
If punishable with fine only - -	Ditto -	Ditto -	Ditto -	.....	

SCHEDULE V.

Acts of the Governor General of India in Council.

Acts and sections containing reference.	Section or Chapter quoted.	Section or Chapter of this Act to
XVIII of 1864, s. 19 ...	61	307
XXI of 1864, s. 2 ...	62	518
	63	519
	308	521
	309	522
	310	523
	311	525
	312	526
	313	527
	314	528
XXII of 1864, ss. 3 & 5 ...	23	37
XIII of 1865, s. 29 ...	Chap. XIII	Chapter XXXIII
s. 35 ...	Sections 336 to 340 (both inclusive).	407, 409, 410, 411, and 412
s. 39 ...	380	287
s. 40 ...	Chap. XXVI	Chapter XXXIV
s. 41 ...	383	305
XIX of 1865, s. 9 ...	23	37
IV of 1866, s. 30 ...	Sections 336 to 340 (both inclusive).	407, 409, 410, 411 and 412
s. 33 ...	380	287
s. 34 ...	Chap. XXVI	Chapter XXXIV
s. 35 ...	385	305
XXIV of 1866, s. 11 ...	Sections 336 to 340 (both inclusive).	407, 409, 410, 411 and 412.
s. 14 ...	380	287
s. 15 ...	Chap. XXVI	Chapter XXXIV
s. 16 ...	385	305
III of 1867, s. 17 ...	61	307
XV of 1867, s. 19 ...	61	307
XXII of 1867, s. 14 ...	61	307
XXIII of 1867, s. 5 ...	Sections 248 to 255 (both inclusive).	149, Chapter XV cable to warra
s. 6 ...	334 and 335	405 and 406
I of 1868, s. 5 ...	61	307
VI of 1868, s. 19 ...	308	521
	and Chap. XX	521 to 529 (both inclusive.)
s. 35 ...	61	307
XIII of 1869, s. 2 ...	198	338 and 339
	and 364	334, 335, 337, 338, 339 and 34
XVIII of 1869, s. 18 cl. (*b*) ...	Chap. XXII ...	Chapter XL
XXI of 1869, s. 30 ...	Chap. XIX ...	Chapter XXXVIII
VIII of 1870, s. 6 ...	61	307
	and 316	536
IX of 1871, sch. II, No. 46 ...	Chap. XXII ...	Chapter XL

Acts of the Governor of Madras in Council.

Acts and sections containing reference.	Section or Chapter quoted.	Section or Chapter of this Act to
III of 1864, s. 23 ...	Chap. VIII	Chapter XXVII and sections 4 inclusive).
X of 1865, s. 116 ...	Chap. XX	Sections 521 to 529 (both inclus
I of 1866, ss. 3 and 5 ...	s. 23	37
I of 1867, s. 1 ...	Chap. I	Chapter L
VIII of 1867, s. 4 ...	ss. 68	142
	97	183
	127	377
	128	378
	129	381
	130	415
	131	416
	132	417
	133	109 & 110
	137	117 (first clause).

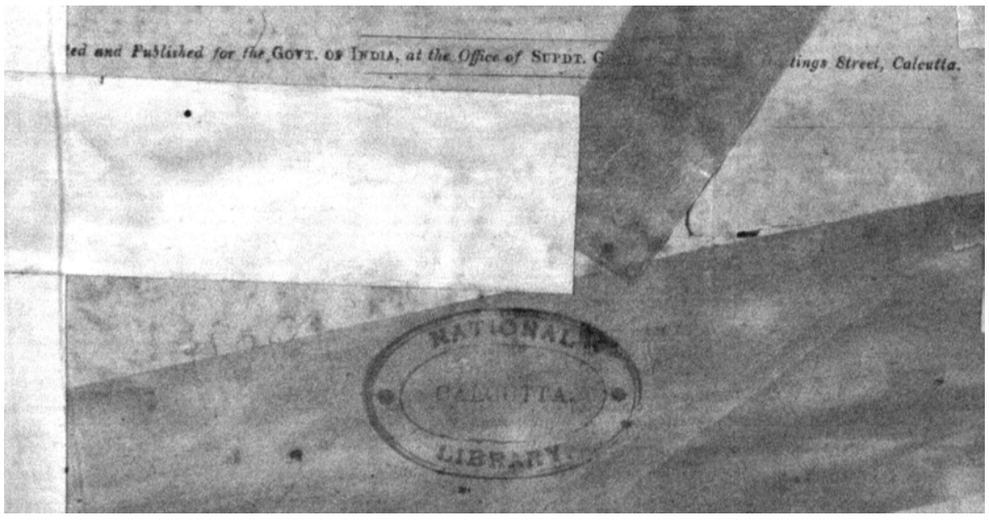
Acts of the Governor of Madras in Council—(continued.)

d sections containing reference.	Section or Chapter quoted.	Section or Chapter of this Act to be substituted
7, s. 4 ...	152	124
	153	125
	97	183
s 9 ...	Chap. IV	Sections 139, 140, 144, 141, 147, 142, and Chapter XII.
	Chap. V	Sections 159, 161, 163, 164, 165, 166, 91, 167, 168, 169, 170, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184 and 185.
	Chap. VI	Sections 92, 94, 95, 96, 97, 98, 99, 100, 93, 101, 108 and 480.
	Chap. VII	Section 92, Clause sixth, latter part.
	Chap. VIII	Chapter XXVII and Sections 415 to 420 (both inclusive).
	Chap. IX	Sections 109, 110, 111, 114, 116, 117 first part, 89, 112, 102, 103, 379, 380, 118, 119, 120, 121, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133 and 136.
	With the exception of sections	
	125	385
	147	121
	148	Re-enacted in Act No. 1 of 1872 (Evidence Act).
	149	
	150	
	151	126
	158	130
	160	132
s. 132 ...	Cl...	both
		...pter of this Act to ... substituted.
... 18 ...	61	307
...ss. 4 and 6 ...	23	37
... 15 ...	61	307

Acts of the Lieutenant Governor of Bengal in Council.

...d sections containing reference.	Section or Chapter quoted.	Section or Chapter of this Act to be substituted.
... 7		
...s. 238		
...s. 6		
... 80		
..., s. 28 ...	Chap. VIII	Chapter XXVII and Sections ... to ... (both inclusive.)
...s. 4 ...	Chap. XV	Chapter XVI and the provisions applicable to summons cases.
...s. 48 ...	s. 61	307
...s. 51 ...	s. 61	307
...s. 14 ...	s. 61	307
...s. 17 ...	s. 61	307
...s. 4 ...	s. 61	307
...s. 19 ...	Chap. XV ...	Chapter XVI and the provisions applicable to summons cases.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. for making Laws an


ted and Published for the GOVT. OF INDIA, at the Office of SUPDT. G
tings Street, Calcutta.
NATIONAL
CALCUTTA.
LIBRARY.